



Council Work Session - 6:15 p.m.

CITY COUNCIL AGENDA

Tuesday, March 6, 2012

7:00 p.m.

**Coon Rapids City Center
Council Chambers**

Open Mic/Public Comment

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Approval of Minutes from Previous Meeting(s)

February 21, 2012, Council Meeting

Consent Agenda

1. Approve Agreement with Property Owner at 3044-109th Lane Regarding Sewer Service Repair
2. 2011-2012 Insurance Renewals

Reports on Previous Open Mic

3. Jerry Pierce, 12236 Partridge Street NW

Old Business

New Business

4. Cons. Appeal Decision of Board of Adjustment and Appeals, Scott Nellis, 10320 Grouse St, Case 12-01V
5. Cons. Resolution Authorizing the Budget, Approving Plans and Specifications and Ordering Advertisement for Bids for the Vehicle Storage Building, Project 11-28
6. Cons. Resolution Approving Plans and Order Ad for Bids, Bituminous Street Patching Repairs, Project 12-13
7. Cons. Resolution 12-44 Authorizing Staff to Submit Applications for Metropolitan Council Livable Communities Transit Oriented Development Grant Funds for Planning and Infrastructure Projects at the Riverdale and Foley Boulevard Transit Stations

8. Security Cameras at the West Water Treatment Plant:
 - a. Cons. Resolution 12-45 Amending the 2012 Budget to Appropriate Funds from the Water Fund Balance
 - b. Authorize Purchase of Cameras

Other Business

Adjourn



City Council Regular

Meeting Date: 03/06/2012

SUBJECT: Approval of Minutes

Attachments

2-21-12 Council Minutes

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF FEBRUARY 21, 2012

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street, shared continuing concerns about the Mayor and City Manager and the ADA access Bunker Hills Golf Club and staff's interpretation of whether automatic doors were required.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of February was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, February 21, 2012, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Melissa Larson, Paul Johnson, Jerry Koch, Bruce Sanders and Scott Schulte

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. CONSIDER RESOLUTION 12-42 APPROPRIATING FUNDS FROM THE ARTS COMMISSION TO THE COON RAPIDS CRIME PREVENTION SPONSORSHIP OF A POLICE MONUMENT
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City Manager Fulton presented a memorandum to Council stating the Coon Rapids Arts Commission would like to appropriate funds towards the Coon Rapids Crime Prevention Association's sponsorship of the construction of a monument that will recognize the officers and staff of the Coon Rapids Police Department.

The Arts Commission is also pleased to announce the 2012 Summer concert series at the Coon Rapids Dam Regional Park.

Part of the Arts Commission's purpose is to foster the development of the arts within the community. The Commission was able to do this in September by assisting with the construction of the 9/11 Memorial at Fire Station 1, which was dedicated during a community ceremony on the 10th anniversary of September 11. The Arts Commission would now like to appropriate funds towards the construction of "The Protector" monument that is currently being planned through the Coon Rapids Crime Prevention Association. This monument will be constructed near the entrance to the Police Department and will stand to recognize the officers and staff of the Coon Rapids Police Department.

In addition, the Arts Commission would like to announce their 2012 Thursday Nites LIVE! At The Dam Summer series, which will feature the following nine performers:

June 7	Rockin' Hollywoods <i>50s&60s</i>
June 14	Dan Perry and Ice Cream <i>Variety</i>
June 21	Rockie Lynne <i>Country</i> This performance will be at Sand Creek Park
June 28	Elvis Experience <i>A Tribute to Elvis</i>
July 5	No Concert
July 12	MN Sinfonia <i>Family Pop Concert</i>
July 19	Bill Koncar <i>Accordion Variety</i>
July 26	Island Time Band <i>Island Party Dance</i>
August 2	Galactic Cowboy Orchestra <i>Country/Jazz Mix</i>
August 9	The Hillbilly Mafia <i>Top 40 Country</i>

The Pentair Foundation will be sponsoring the July 12 performance of the Minnesota Sinfonia concert through a grant, and the Shortstop Bar & Grill has graciously agreed to sponsor the remaining eight concerts through the Community Strength Foundation. The Commission is extremely grateful for both these sponsorships.

All performances begin at 7:00 p.m. at the Performance Pavilion at the Coon Rapids Dam Regional Park with the exception of the June 21st Rockie Lynne concert which will be held at Sand Creek Park. The concerts are offered at no charge to the community, and Anoka County has once again agreed to waive the parking fee during these evenings. The Arts Commission would like to recognize the assistance of the Anoka County Parks and Recreation Department Rangers and other staff in presenting this series.

Boy Scout Troop 524 Church of the Epiphany will sell popcorn, candy, soda, and water during the concerts. The Northstar Lions Club will be selling food items such as hamburgers, hot dogs, and brats.

The Arts Commission appreciates the opportunity to continue presenting this series to the community. Members of the Arts Commission were present at the meeting and introduced themselves to the Council.

Mayor Howe welcomed the members and thanked them for their service to the community.

Peter Bodley, Crime Prevention Association, thanked the Arts Commission for their generous designation to the Police Monument.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 12-42, AMENDING THE 2012 COMMISSIONS AND EVENTS FUND BUDGET. THE MOTION PASSED 5-0-2, COUNCILMEMBERS JOHNSON AND SCHULTE ABSTAINED.

2. OATH OF OFFICE FOR FIREFIGHTER JUSTIN MCGEE

Fire Chief Piper introduced the Council to the newest firefighter for the City of Coon Rapids, Justin McGee. Chuck and Pat McGee, Justin's parents, pinned on Firefighter McGee's badge.

Mayor Howe administered the Oath of Office to Firefighter Justin McGee and welcomed him to the City of Coon Rapids. The Council and staff offered a round of applause.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

FEBRUARY 8, 2012, WORK SESSION
FEBRUARY 8, 2012, COUNCIL MEETING
FEBRUARY 14, 2012, SPECIAL MEETING

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 8, 2012, WORK SESSION MEETING. THE MOTION PASSED 6-0-1, COUNCILMEMBER SCHULTE ABSTAINED.

Councilmember Koch requested a change on Page 10, Paragraph 5, on the February 8 Council meeting minutes, that he intended that the restaurant name remain, not the actual signage.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 8, 2012, COUNCIL MEETING AS AMENDED. THE MOTION PASSED 6-0-1, COUNCILMEMBER SCHULTE ABSTAINED.

Councilmember Schulte requested a change to Page 2, Paragraph 5, of the February 14 Special meeting to correct the spelling for Robert Brimmer's last name.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 14, 2012, SPECIAL MEETING AS CORRECTED. THE MOTION PASSED 6-0-1, COUNCILMEMBER SCHULTE ABSTAINED.

CONSENT AGENDA/INFORMATIONAL BUSINESS

3. CONSIDER RESOLUTION 12-43 APPOINTING ONE MEMBER TO THE SUSTAINABILITY COMMISSION
 4. APPROVAL OF JOINT POWERS AGREEMENTS WITH THE CITY OF ANOKA, PROJECT 12-6:
 - A. STREET RECONSTRUCTION OF NINTH AVENUE
 - B. SANITARY SEWER CONNECTION TO COON RAPIDS SYSTEM
 5. AUTHORIZE APPLICATION FOR 2012 DNR TRAIL GRANT, 85TH AVENUE TRAIL, EAST OF EAST RIVER ROAD, PROJECT 12-20
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Councilmember Schulte said he was pleased about the appointment of Afton Martens to the Sustainability Commission.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

6. OPEN MIC REPORT – JERRY PIERCE, 12236 PARTRIDGE STREET NW

Mayor Howe presented a memorandum from staff to Council stating Jerry Pierce, 12236 Partridge Street, appeared at Open Mic on February 8 with continuing concerns over not airing Father Bernard Reiser's funeral services on CTN.

Mr. Pierce shared concerns at Open Mic pertaining to CTN's coverage of Father Reiser's funeral and allegations of censorship over the CTN News program by the Mayor and City Manager.

CTN was present and taped Father's Reiser's funeral. CTN gave excellent coverage regarding Father Reiser's passing, including over five minutes of coverage on the news. It currently is not technically possible for CTN to broadcast live from Epiphany Church. We can currently only broadcast live in Coon Rapids from City Hall, the high school football field, the high school building, and the School District office. Live options outside the City only include locations serviced by the other access centers.

The CTN News program is developed and determined by CTN staff with no oversight or interference by either Mayor Howe or City Manager. The staff person primarily involved with the news program has 20 years of experience and has an excellent sense of what news stories should be covered. CTN does an excellent job, and has been recognized, nationally, for its reporting and programming skills.

BID OPENINGS AND CONTRACT AWARDS

7. **AWARD CONTRACT FOR WATER TREATMENT CHEMICALS, DPC INDUSTRIES, INC.**

Finance Director Legg presented a memorandum requesting the Council approve of a contract for the purchase of water treatment chemicals.

Bids were received on February 6, 2012, for the purchase of water treatment chemicals. The amounts shown are for estimated needs for a one-year period based on last year's usage. With the consent of both parties, this contract can be renewed for two additional one-year periods.

DPC Industries, Inc	Hawkins, Inc	Shannon Chemical Corp.
\$190,534	\$211,676	\$82,416*

The detailed bid tabulation was shared. *The bid from Shannon Chemical Corp. includes only two of the requested six items. The lowest bid was received from DPC Industries, Inc, the City's current supplier. There is no state sales tax on water treatment chemicals.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KOCH, TO AWARD THE CONTRACT FOR WATER TREATMENT CHEMICALS TO DPC INDUSTRIES, INC. IN THE AMOUNT OF \$190,534. THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

8. A. REMOVE FROM TABLE
 B. CONSIDER ADOPTION OF AN ORDINANCE ADDING CHAPTER 8-1500, PREPAYMENT FOR GASOLINE AND DIESEL FUEL AT RETAIL FUEL BUSINESSES
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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO REMOVE THE ITEM FROM THE TABLE. THE MOTION PASSED 6-1, MAYOR HOWE OPPOSED.

Police Chief Wise presented a memorandum requesting the Council stating on September 6, 2011, the Council introduced an ordinance adding Chapter 8-1500, prepayment for Gasoline and Diesel Fuel at retail fuel business and thereby amending revised City Code - 1982, Title 8, Health, Safety and Sanitation.

The Police Department has recognized an increasing burden on its resources in the form of theft reports regarding failure to pay for gasoline, "No Pays/Gas Drive-Offs" at some of our retail fuel

businesses. In 2009 theft reports for gas "No Pays" numbered 314. There were 492 of these theft reports in 2010 and 481 in 2011. In addition, approximately 15% of the thefts in 2011 were accomplished by people using stolen license plates. Nearly 500 gas thefts reports represents nearly 20% of all Part 1 Crime reported in the City of Coon Rapids. Officers' responding to this number of gas thefts imposes a significant cost to our citizens, both in terms of time lost for officers to address other critical public safety needs, but also in terms of the negative impact such statistics have on our reputation as a safe place to live and work. The Police Department has reached out to retail fuel establishments since 2009 in an effort to reduce those thefts reported, however, no meaningful solution has been found. While some would suggest that the Police Department simply not respond, it is my position that the crime needs to be addressed, not ignored. Prepayment for fuel is the norm in vast parts of the United States, with retail fuels establishments requiring prepayment of gas in as close as Fridley and Brooklyn Park. Would-be fuel thieves travel to areas where there is no such business practice; like Coon Rapids.

To address this large and growing fuel theft problem, an ordinance was proposed to the Council on September 6, 2011, to consider requiring the prepayment of Gasoline or Diesel Fuel at Retail Fuel establishments. The proposed Ordinance was formally introduced.

On October 11, 2011, the proposed ordinance was heard in a Council work session where the Council directed the Police Department to meet with representatives of retail fuel establishments. On November 10, 2011, staff from the Police Department held a public meeting with these stations as an information sharing session.

On November 29, 2011, a Council work session was held where the Police Department presented to Council information from the November 10th meeting with fuel establishments. The Council directed staff to place the issue on the Council agenda for their meeting December 6, 2011.

At the December 6, 2011, Council meeting Police Chief Wise made a presentation describing the nature of the crime and the impact it has on the City's crime statistics. Councilmember Sanders subsequently requested language be added to the proposed Ordinance to allow for an exception to the prepay requirement. Language added to the Ordinance proposal states, "It is an exception to the application of this Chapter if business owners enter into a civil agreement with customers, pursuant to which customers may activate a fuel pump prior to payment through the use of a card or similar device, issued by the business owner that activates the pump. Such an agreement shall include identifying information of the customer that may be used by the business owner for seeking compensation in the appropriate civil court should the customer fail to pay for fuel after activating the pump with such a card." After some discussion of the Ordinance the Council voted to table consideration until representatives of Coon Rapids' retail fuel establishments had an opportunity to discuss further alternatives designed to address this theft. A follow-up Council work session was scheduled for January 24, 2012.

At the January 24, 2012, Council work session, various representatives of retail fuel establishments discussed alternatives to the proposed ordinance. Several individuals spoke regarding the proposed ordinance, outlining reasons both for and against. Discussion included making the proposal

voluntary, costs associated with the change, penalizing the station owners instead of the individuals, and decreased sales within stores. Some of the conversation revolved around amending State Statute to expand the use of the Civil Process and delay the reporting of a "no pay/gas drive off" for 30 days. Staff has received information that a Bill will be introduced in the both the Minnesota House and Senate sometime during the week of February 13th amending State Statute as it relates to theft. A copy of that proposal is attached and is named "Drive off Bill."

There are three principle objectives driving this proposed ordinance.

1. To significantly decrease the crime of gas theft and related crimes, such as license plate theft.
2. To reduce the public costs and inefficiencies related to the time required for police officers to respond to gas theft and related issues.
3. To reduce the overall number of reported Larceny incidents, which gas theft is a part, because of the negative perceptions created about how safe Coon Rapids is as a community.

If the City Council decides to not approve this ordinance, staff would recommend that the Council direct staff to return with a proposed approach to formally defer responsibilities relating to gas theft incidents to gas handlers and to formally acknowledge that the Police Department will not be expected to respond to or report gas theft incidents, except under unusual or unique situations.

Councilmember Schulte indicated he would like to withdraw his friendly amendment from the previous motion on this item stating it was not necessary to hold a work session. He referred to the December 2011 minutes regarding this item, stating there was a difference in the language used from the previous motion to the motion brought before the Council this evening. He questioned how the Council wanted to proceed. He indicated Councilmember Sanders had amended the motion to allow for a resident to be "on file" with a gas station, which would allow the resident to pump gas and pay inside without swiping a card into the gas pump.

City Attorney Hiljus explained the amendment made by Councilmember Sanders was modified slightly and included in the proposed ordinance before Council this evening.

Councilmember Sanders stated his intent, regardless of the language, should allow a patron to prepay at the pump or be registered and identified with the station. He said this would assure there was a record on file for the patron. He felt the language within the code amendment was clear.

Councilmember Johnson commented he was hoping each station would have a specific card for registering patrons, however, he did accept the amendment from Councilmember Sanders. He wanted the burden placed on the business owners to assure each filling station has the appropriate information for each transaction. This process would greatly assist the police department. If the process failed, he wanted to see the City go completely with pre-pay.

Councilmember Schulte indicated he had some discomfort with the ordinance, stating the language currently required a card to activate the pump. He requested the language after payment be removed: "...through the use of a card or similar device issued by the business owner that activates the pump". With this language removed, he supported the ordinance amendment.

Mayor Howe questioned if the motioner, Councilmember Johnson and seconder, Councilmember Klint supported this language change. Councilmember Johnson said he supported the change.

Councilmember Klint supported the change and suggested that additional language be added after the word payment stating, "...based upon an agreement between the business owner and the customer". This would assure the owner was responsible for gaining the necessary and proper information prior to any gas sales.

Councilmember Schulte felt this was covered well in the ordinance in a previous paragraph. He reviewed the language in detail with the Council.

Councilmember Klint supported the recommended change by Councilmember Schulte without additional changes.

Mayor Howe reviewed the history of this ordinance, thanking staff for the thorough report provided on this item. He indicated the proposed ordinance had three principle objectives:

1. To significantly decrease the crime of gas theft and related crimes, such as license plate theft.
2. To reduce the public costs and inefficiencies related to the time required for police officers to respond to gas theft and related issues.
3. To reduce the overall number of reported Larceny incidents, which gas theft is a part, because of the negative perceptions created about how safe Coon Rapids is as a community.

Mayor Howe agreed the objectives had relative importance to the Council. However, the impact this ordinance will have on the gas stations in the community should also be considered. He believed the impact to business owners would be significant.

Councilmember Klint called for a point of order and asked if there was a motion on the floor.

Mayor Howe indicated there was no motion on the formal ordinance; however, a proposed amendment to the wording suggested by Councilmember Schulte was on the floor. City Attorney Hiljus clarified the proposed language change within Councilmember Sanders' amendment with the Council.

Councilmember Schulte asked if a motion had been made regarding the proposed language amendment this evening. He recalled at the last meeting a motion was made, seconded with a friendly amendment, and then tabled.

Councilmember Sanders stated action on the previous motion was not finalized as the item was tabled during the discussion period.

City Manager Fulton clarified that the motion and amendment made in December has been removed from the table and needed action.

Councilmember Schulte stated his amendment to hold a work session could be removed from the previous motion made in December. However, Councilmember Sanders' amendment language change was in need of approval this evening.

Mayor Howe asked if Councilmember Sanders' amendment was approved in December. City Clerk Sorensen stated discussion was held regarding this item but was not approved on December 6, 2011.

Councilmember Schulte read the December 6, 2011, minutes for the record. According to the minutes, Councilmember Sanders' amendment and original motion needed action. He stated the ordinance was brought to a motion with the exemption. City Attorney Hiljus stated the motion made in December regarding the ordinance did include Councilmember Sanders' amendment and was not a separate action.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SCHULTE, TO AMEND THE LANGUAGE IN PARAGRAPH 8-1504, STRIKING ALL LANGUAGE AFTER THE WORD "PAYMENT".

Councilmember Johnson asked if the definition of civil agreement was both formal and informal. The Council was in agreement with this definition.

Councilmember Sanders questioned if the language removed was prudent. City Manager Fulton indicated the language in previous paragraphs does define the civil agreement between both parties.

Mayor Howe commented this was a slippery slope for the City to proceed through. He felt a more substantial agreement needed to be made beyond the "wave of a hand."

Councilmember Klint clarified the pumps were activated inside a station and would not be activated until a clerk acknowledged the customer.

Councilmember Koch said he opposed the amendment. He did not feel this was the time to push the ordinance through and recommended the business owners handle the concern and collect the debts without concerning the Coon Rapids Police Department.

THE MOTION PASSED 5-2, MAYOR HOWE AND COUNCILMEMBER KOCH OPPOSED.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT ORDINANCE NO ADDING CHAPTER 8-1500, PREPAYMENT FOR GASOLINE AND DIESEL FUEL AT RETAIL FUEL BUSINESSES AND THEREBY AMENDING REVISED CITY CODE - 1982, TITLE 8, HEALTH SAFETY AND SANITATION.

Councilmember Johnson requested a correct reading of paragraph 8-1504 prior to voting on this item. He stated gas prices were on the rise and he wanted the Council to take action on this item before additional drive-offs occurred.

Councilmember Koch said he did not understand why the City was putting its businesses at a disadvantage by implementing this ordinance. He recommended the business owners address the drive-off matters on their own or perhaps handle it at the State level.

Councilmember Johnson commented the State legislature was discussing a bill, but he did not hold out hope that it would be passed. He recommended the Council proceed with the ordinance.

Mayor Howe stated the legislation allows gas stations to pursue drive offs on a lower cost basis through a civil case while collecting 60% of the dollars. He indicated since this discussion began last fall, the business owners have been dealing with the matters civilly and the number of calls made to the police department has dropped. Police Chief Wise stated this was a fact.

Mayor Howe encouraged the Council to seriously consider the impacts the ordinance would have on local businesses.

Councilmember Klint stated the issue arose out of the police department and not from the service stations. She noted the priorities of the ordinance were to reduce crime and increase safety in Coon Rapids. Even if the number of calls to the police department has been reduced, the crime was still being committed.

Councilmember Larson agreed with these statements. She indicated if the matters were being handled civilly, the crime had still been committed.

Councilmember Schulte clarified that he does not sell gas in the City. He commented he was a pre-pay gas customer and felt the ordinance would be a win/win situation. He thanked the public for their interest and comments on the issue. He indicated he has heard many comments from residents that this Ordinance was the over-reaching government. However, he was committed to public safety and felt the proposed ordinance would greatly assist in reducing crime in the City of Coon Rapids. He said he feared if the ordinance was not approved a message would be sent to patrons that drive-offs were not reported.

Councilmember Schulte stated that the east, south and west coasts have already gone to pre-payment for gas without any governmental intervention. He had hoped the City could have reached that prior to coming to this; however, this has not happened. He reported that 492 crimes took place in 2011 which could have been avoided if this ordinance was in place. It went against his principles to deny this ordinance and thereby increasing crime levels.

Councilmember Sanders agreed and commented this ordinance was a big deal as it impacted all gas station owners and their patrons. He said he was not convinced that the ordinance would lead to severe losses as other cities already have this requirement. He felt State legislation may be ineffective as it was providing for a civil solution to a major crime. He commended the Police Chief for the information provided to the Council as it highlighted the concern, adding he did not mind that Coon Rapids was leading the way on this issue.

Councilmember Koch stated the Council did not know how the ordinance would affect business expenses. He indicated he was concerned about public safety but did not want the business owners and their patrons punished. He felt the ordinance was taking the City down the wrong road. He ardently opposed the ordinance.

Mayor Howe requested the Council reconsider action on this ordinance. He appreciated the discussion that has been held between the business owners and the Council. He felt the discussion has brought the issues to the forefront and that alternative solutions were being sought. He expressed concern how this ordinance would affect crime in neighboring communities, if approved. He believed the item should be tabled to allow for further discussion between the Council and local business owners.

Councilmember Sanders stated he would be in favor of a specific plan, but did not want action delayed indefinitely.

Councilmember Larson expressed concern with further delays as this had been addressed already at the previous work sessions.

Councilmember Sanders stated he was willing to listen to a specific plan, if one was in place; otherwise, he supported the ordinance as presented.

Councilmember Koch felt the work session meeting was productive. The Council was able to discuss the issues further with the business owners.

Councilmember Klint indicated the Police Department has been trying to work with the business owners on this issue for the past three years. It is only now that they are speaking up.

Councilmember Schulte discussed how the civil matters are handled by the gas stations. He indicated there was only a threat of a civil case. The crimes would continue to happen without any action being taken. He explained the crime has reached the point where drive offs were more costly than the expense of pre-pay credit cards. He felt the ordinance would positively impact the City by reducing crime and eliminating drive-offs.

Councilmember Koch said he did not feel this was a large public safety issue. He encouraged the Council to consider discussions with the business owners to reach another solution.

Mayor Howe questioned when the implantation date was for the ordinance. Councilmember Schulte stated that currently it was proposed for June 1, 2012.

Mayor Howe stated this date was too soon, as gas stations would need to go through major adaptations if the ordinance were adopted.

Councilmember Sanders stated the ordinance does not preclude someone from paying at the pump.

Councilmember Schulte asked if Mayor Howe had a suggested implementation date.

Mayor Howe recommended the implementation date be changed to August 1, 2012.

FRIENDLY AMENDMENT BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO AMEND THE ORDINANCE TO HAVE AN IMPLEMENTATION DATE OF AUGUST 1, 2012.

City Attorney Hiljus read aloud Paragraph 8-1504 for the record.

Councilmember Schulte noted this was an election year and stated it would be easy to vote against this ordinance but felt strongly about the intent of this ordinance.

Councilmember Koch indicated he could not support the disruption being caused for local businesses through this ordinance.

Councilmember Johnson felt the local businesses could amend their business practices as has been done in other local communities.

Mayor Howe noted the Council had invited the public and gas station owners to a work session where public input was received for several hours.

Councilmember Koch suggested the Council delay action on the ordinance to await any action on the State legislation.

Councilmember Klint requested the Mayor call the question as she felt the discussion was not moving forward.

Mayor Howe questioned how *Roberts Rules of Order* stated the Council should proceed.

Councilmember Schulte commented the Council would need to vote on proceeding with the call for question.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SCHULTE, TO CALL THE QUESTION. THE MOTION PASSED 5-2, MAYOR HOWE AND COUNCILMEMBER KOCH OPPOSED.

THE MOTION PASSED 5-2, MAYOR HOWE AND COUNCILMEMBER KOCH OPPOSED.

NEW BUSINESS

9. 2012 STREET RECONSTRUCTION PROGRAM, VARIOUS RESIDENTIAL STREETS, SOUTH CENTRAL PARK OF CITY, PROJECT 12-1:
 - A. CONSIDER RESOLUTION ACCEPTING FEASIBILITY REPORT AND

ORDERING PUBLIC HEARING

- B. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL
 - C. CONSIDER RESOLUTION SETTING THE ASSESSMENT HEARING
-

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division has prepared a feasibility report for the proposed reconstruction of several streets within the City as listed below. Council is requested to accept the feasibility report and order a public hearing, declare cost to be assessed and order preparation of proposed assessment roll, and set the assessment hearing date.

The City is proposing to reconstruct several streets and to assess a portion of the cost to adjacent property owners as part of the 2012 Street Reconstruction Program in accordance with the City's policy approved by Council in 1997. Council ordered preparation of a feasibility report on January 17, 2012. These streets were chosen for reconstruction in 2012 by the City Engineering Division based on their condition rating. The City Engineering Division completed a condition rating of all streets within the City in 2009 to allow for a planned program over the next 5 years. The 5-year plan may be modified as streets are reviewed for the following year's program. It is the intent to always have a 5-year plan available for review. The condition rating program completed in 2009 indicated that there are many miles of City streets that are in need of repair. The City has 181 miles of residential streets to maintain. The City should continue to reconstruct 5-7 miles per year to keep the street system in reasonable condition into the future. Last year the City reconstructed 6.3 miles of residential streets. This year, another 5 miles are proposed for reconstruction.

The project consists of replacement of old street signs, replacement of existing concrete curb and gutter in need of repair, and paving a new surface on streets in the following areas—

1. South Robinson Drive Area located either side of Robinson Drive and north of Egret Boulevard
2. South Egret Boulevard Area located south of Coon Rapids Boulevard near the Coon Rapids Dam Regional Park
3. Tralee Terrace Area located at Redwood Street and 98th Avenue
4. Springbrook Cove Area located south of 85th Avenue and east of East River Road

The area of benefit is described as follows—

- Lots 1-10, Block 1, Creek Meadows (Condo No. 37)
- Tract A & B, RLS No. 186
- Lots 10, 11, Block 1, Lots 10, 11, Block 3, Lots 17-21, 23, 24, Block 5, Creekwood Estates
- Lots 1-3, Block 1, Lots 1-29, Block 2, Lots 3-8, 10-23, Block 3, Lots 1-19, Block 4, Lots 1-12, Block 5, Lots 2-5, Block 6, Erin Go Bragh
- Tracts A & B, RLS No. 134
- Lots 1-9, Block 1, Lots 1-3, Block 2, Lots 1-13, 16, 17, Block 3, Lot 1, Block 4, Lots 1-7, Block 5, Lots 1-16, 18-23, Block 6, Dublin Greens
- Lots 1-6, Block 1, Dublin Greens 2nd Addition

--Lots 1-31, Block 1, Lots 1, 9-16, Block 2, Summer Chace
--Lots 1-7, Block 1, Lots 1-8, Block 3, Summer Chace 2nd Addition
--Lots 3-4, Block 2, Lots 1-8, Block 3, Lots 8-14, Block 4, Shamrock Woods
--PIN 26-31-24-22-0003
--PIN 26-31-24-22-0004
--PIN 26-31-24-22-0020
--Lot 2, Block 1, River Crest 2nd Addition
--Lots 1-5, Block 1, Lots 1-11, Block 2, River Crest Addition
--PIN 26-31-24-23-0003
--PIN 26-31-24-23-0004
--PIN 26-31-24-23-0005
--PIN 26-31-24-23-0006
--PIN 26-31-24-23-0078
--PIN 26-31-24-23-0084
--Lots 10-19, Block 1, Lots 1-3, Block 2, The Hollows
--Lots 1-14, Block 1, Waters Edge
--Lots 1-10, Block 1, Tralee Terrace Addition
--Lots 1-23, Block 2, Tralee Terrace Addition
--PIN 26-31-24-11-0072
--PIN 26-31-24-14-0115
--PIN 26-31-24-14-0159
--PIN 27-31-24-12-0046
--PIN 27-31-24-12-0048
--PIN 27-31-24-12-0050
--Lots 1-4, Block 1, Lots 1-2, Block 2, Mississippi Oaks Plat 2
--All of Springbrook Cove

The total estimated cost of the proposed street reconstruction project is \$1,940,000. The project is necessary if the City is to keep the City's street system in good condition. The project is cost effective and is feasible to construct. The City would assess \$777,963.09 to the benefiting properties. The City would pay the balance from various funds-- \$1,076,000 from the Street Reconstruction Fund--Activity 797 and \$86,000 from the Storm Water Utility Fund---Activity 640. The City share of approximately \$1,076,000 would result in an annual tax levy of approximately \$250,000 if bonds are sold and paid over a 5-year period beginning in 2013.

This project will affect 387 single-family lots, 38 duplex units, 37 townhome units, 130 condo units, and 10 apartment buildings. City staff will hold an informational meeting with residents prior to the public hearing scheduled on April 3, 2012. The informational meeting should answer the common questions that residents might have so that dozens of people do not attend the April 3rd Council meeting when the public hearing and assessment hearing will be held. Assessment rates can be approved by Council on April 3rd, prior to construction, because the assessment rates are set by Council and are not dependent on actual construction costs like most development projects. Therefore, there would be no need to hold another public hearing after construction. All residents were notified by letter of this proposed project in December, 2011. Of the 600 property owners

notified of the project and proposed assessment, no one has objected to the project. The few phone calls and e-mails received to date have been regarding basic questions such as wondering if their driveway could be repaved by the City contractor and if their sprinkling system would be damaged.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 12-1(4) ACCEPTING THE FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING TO BE HELD ON APRIL 3, 2012; ADOPT RESOLUTION NO. 12-1(10) DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 12-1(11) SETTING THE ASSESSMENT HEARING DATE FOR APRIL 3, 2012. THE MOTION PASSED UNANIMOUSLY.

10. 2012 STREET RECONSTRUCTION PROGRAM, COLLECTOR STREETS, WEST CENTRAL PART OF CITY, PROJECT 12-2:
 - A. CONSIDER RESOLUTION ORDERING A PUBLIC HEARING
 - B. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
 - C. CONSIDER RESOLUTION SETTING THE ASSESSMENT HEARING
-

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division is recommending street reconstruction on three collector streets in 2012 under this project. A feasibility report has been prepared for the proposed project. Council is requested to order a public hearing and assessment hearing to be held on March 20, 2012.

There are 2.2 miles of streets proposed for reconstruction under this project as follows—(see map)

1. 119th Avenue --Blackfoot Street to Jonquil Street
2. Northdale Boulevard --west of Crooked Lake Boulevard to 124th Avenue
3. 124th Avenue --west of Northdale Boulevard, a 600 foot length

Council ordered preparation of a feasibility report on January 17, 2012. The project would propose to replace concrete curb that is in poor condition, install ADA compliant pedestrian curb ramps at all intersections, and repave a new bituminous surface. The City's assessment policy provides for assessment of \$1,575 per home for properties that have direct access to the street. There are only 4 single-family homes to be assessed for this project. There are 15 townhomes and two apartment building sites that are to be assessed based on front-footage at a rate of \$19.69 per foot. There are four commercial sites that access the streets and they are to be assessed based on front-footage at a commercial rate of \$39.38 per foot. These sites include Target Store and Wells Fargo Bank. State Aid funds can be used to pay for the balance of the cost.

The County is planning to install new traffic signals and widen the intersection at Northdale Boulevard and Crooked Lake Boulevard in 2013. Therefore a portion of Northdale Boulevard (adjacent to the American Legion) will not be repaved under the City project in 2012, but will be

repaved as part of the County project in 2013. Also, Mercy Hospital is planning to develop the site north of Coon Rapids Boulevard and west of Blackfoot Street next year. Therefore, the reconstruction of Blackfoot Street is not going to be included with this project as originally proposed. Blackfoot Street will most likely be included in the 2013 program if the development proceeds as planned.

The legal description of the area of benefit is-

- Lots 6 and 7, Block 2, Riverdale Commons 2nd Addition
- Lot 2, Block 1, Martha Gabriela Addition
- Lot 1, Block 2, Riverdale 3rd Addition
- PIN 08-31-24-32-0070
- PIN 08-31-24-32-0071
- Lots 1, 2, 21, Block 1, Wedgewood Parc 6th Addition
- Lot 14, Anoka Gardens
- Lots 1-15, Block 1, Courtney's Manor Townhomes

The total estimated cost of the project is \$1,500,000. The project is necessary to improve these streets from their existing poor condition. The project is cost effective with the use of State Aid construction funds and is feasible to construct.

Staff has received one phone call from a homeowner on Northdale Boulevard at 118th Lane. The property owner does not believe he should be assessed for improvements to Northdale Boulevard even though his driveway access is to Northdale Boulevard. However, before Northdale Boulevard was improved 25 years ago, the property owner had access to 118th Lane. The City purchased a portion of his property along Northdale Boulevard to build Northdale Boulevard and forced him to access Northdale Boulevard. It is much more difficult to access Northdale Boulevard due to the busy traffic. The homeowner would like the City to drop this assessment. This is the only home that has direct access to Northdale Boulevard.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION NO. 12-2(4) ORDERING A PUBLIC HEARING FOR MARCH 20TH AT 7:00 PM; ADOPT RESOLUTION NO. 12-2(10) DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 12-2(11) SETTING THE ASSESSMENT HEARING FOR MARCH 20TH AT 7:00 PM. THE MOTION PASSED UNANIMOUSLY.

11. 2012 STREET RECONSTRUCTION PROGRAM, COLLECTOR STREETS, SOUTH CENTRAL PART OF CITY, PROJECT 12-3:
 - A. CONSIDER RESOLUTION ORDERING A PUBLIC HEARING
 - B. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
 - C. CONSIDER RESOLUTION SETTING THE ASSESSMENT HEARING
-

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division is recommending street reconstruction on five collector streets in 2012 under this project. A feasibility report has been prepared for the proposed project. Council is requested to order a public hearing and assessment hearing to be held on March 20, 2012.

There are 2.0 miles of streets proposed for reconstruction under this project as follows—(see map)

1. Hanson Boulevard –south of Mississippi Boulevard to 99th Avenue
2. 99th Avenue --east of Hanson Boulevard to Egret Boulevard
3. Egret Boulevard –north of 99th Avenue to frontage road
4. 99th Avenue --west of Foley Boulevard to Coon Rapids Boulevard Extension
5. Springbrook Drive –south of Holly Street, (a length of 0.21 mile)

Council ordered preparation of a feasibility report on January 17, 2012. The project would propose to replace concrete curb that is in poor condition, install ADA compliant pedestrian curb ramps at all intersections, and repave a new bituminous surface. The project would include construction of right-turn lanes on 99th Avenue, west of Foley Boulevard, for northbound traffic at the entrance to the shopping center and for Woodcrest Drive. The project would also include construction of sidewalk on both sides of Springbrook Drive if owners agree to dedicate easements for the sidewalk. The City's assessment policy provides for assessment of \$1,575 per home for properties that have direct access to the street. There are 30 single-family homes to be assessed for this project. There are two apartment building sites that are to be assessed based on front-footage at a rate of \$19.69 per foot. There are 7 commercial sites that access the streets and they are to be assessed based on front-footage at a commercial rate of \$39.38 per foot. State Aid funds can be used to pay for the balance of the cost.

The legal description of the area of benefit is-

- Lots 1-4, Block 1, Sand Ridge
- Lot 2, Block 1, Berg's Woodale Park Triangle
- Lots 38-47, 78, 81-83, 85-88, Woodale Park
- PIN 27-31-24-12-0008
- PIN 27-31-24-12-0047
- PIN 27-31-24-12-0049
- Lots 1, 3-5, Block 1, River Crest 2nd Addition
- PIN 26-31-24-22-0004
- Lots 1, 3-4, Block 1, Pinecone Estates
- Outlots A & B, Parkside First Addition
- PIN 36-31-24-12-0024
- PIN 36-31-24-12-0027
- PIN 36-31-24-12-0032
- PIN 36-31-24-13-0058

The total estimated cost of the project is \$1,300,000. The project is necessary to improve these

streets from their existing poor condition. The project is cost effective with the use of State Aid construction funds and is feasible to construct.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION NO. 12-3(4) ORDERING A PUBLIC HEARING FOR MARCH 20TH AT 7:00 PM; ADOPT RESOLUTION NO. 12-3(10) DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 12-3(11) SETTING THE ASSESSMENT HEARING FOR MARCH 20TH AT 7:00 PM. THE MOTION PASSED UNANIMOUSLY.

12. PROPOSED STREET RECONSTRUCTION, COLLECTOR STREET, 133RD AVENUE, PROJECT 12-4:
 - A. CONSIDER RESOLUTION ORDERING A PUBLIC HEARING
 - B. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
 - C. CONSIDER RESOLUTION SETTING THE ASSESSMENT HEARING
-

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division is recommending street reconstruction on this collector street in 2012. This one mile long street is a border street with the City of Andover. The construction project is proposed to be handled by the City of Andover but each City must hold hearings to assess benefiting properties in each City. A feasibility report has been prepared for the proposed project. Council is requested to order a public hearing and assessment hearing to be held on March 20, 2012.

Council ordered preparation of a feasibility report on January 17, 2012. The project would propose to replace concrete curb that is in poor condition, install ADA compliant pedestrian curb ramps at all intersections, and repave a new bituminous surface. The City's assessment policy provides for assessment of \$1,575 per home for properties that have direct access to the street. There are 3 single-family homes in Coon Rapids to be assessed for this project. There will be a Joint Powers Agreement (JPA) with the City of Andover providing for Andover to bill the City for 50% of the project cost. State Aid funds can be used to pay for the costs not recovered through assessments.

The legal description of the area of benefit is-

--Lots 6 and 9, Block 1, and Lot 7, Block 2, Maxwell Estates 2nd Addition

The total estimated cost to the City of Coon Rapids is \$395,000. The project is necessary to improve this street from its existing poor condition. The project is cost effective with the use of State Aid construction funds and is feasible to construct.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 12-4(4) ORDERING A PUBLIC HEARING FOR MARCH 20TH AT 7:00 PM; ADOPT RESOLUTION NO. 12-4(10) DECLARING COST TO BE ASSESSED AND

ORDERING PREPARATION OF ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 12-4(11) SETTING THE ASSESSMENT HEARING FOR MARCH 20TH AT 7:00 PM. THE MOTION PASSED UNANIMOUSLY.

13. APPROVE A JOINT POWERS AGREEMENT WITH THE CITY OF ANDOVER FOR STREET RECONSTRUCTION, 133RD AVENUE, PROJECT 12-4

City Engineer Vierzba presented a memorandum to Council stating the City of Andover will be reconstructing the street on 133rd Avenue in 2012. This is a border street between Coon Rapids and Andover. A joint powers agreement (JPA) is needed to allow for the construction to take place with each City paying half the cost. Council is requested to approve the JPA at this time.

Andover and Coon Rapids have been working on plans to reconstruct this one mile long street in 2012. Each City is holding public hearings and assessment hearings on proposed assessments to benefited properties in each City. Coon Rapids will be holding a public hearing/assessment hearing on March 20th. This street is a border street serving both cities and therefore, each City will share in the cost. A joint powers agreement has been prepared for approval by each City Council. The agreement provides for Andover handling the plan preparation, bidding process, contract award, and construction inspection. The City of Andover would invoice the City of Coon Rapids for a share of the cost (@ 50%). Each City is responsible for ongoing maintenance of their half of the street.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE THE JPA WITH THE CITY OF ANDOVER FOR STREET RECONSTRUCTION ON 133RD AVENUE. THE MOTION PASSED UNANIMOUSLY.

14. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR REPLACEMENT OF SANITARY SEWER LIFT STATION NO. 1

Public Services Director Gatlin presented a memorandum to Council stating the City's consulting engineer, SEH, Inc., has completed plans and specifications for the reconstruction of Sanitary Sewer Lift Station No. 1. Council consideration for approval of the plans and specifications and ordering the advertisement for bids is requested at this time.

As part of our ongoing capital improvement program, Sanitary Sewer Lift Station No. 1 is planned for replacement in 2012. Lift Station No. 1 is located at 923 88th Avenue and services the extreme southwest portion of the City west of East River Road. The lift station is at the end of its useful life and needs to be replaced. The work includes replacement of the lift station and minor relocation of some components of the lift station.

Bids will be advertised at the end of February and early March with the bid opening scheduled for

March 16, 2012. A summary of bids and a recommendation will be presented to Council at the April 3, 2012 meeting. We expect work to begin in early summer and be completed in the fall of 2012.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KOCH, TO ADOPT RESOLUTION NO. 12-7(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR REPLACEMENT OF SANITARY SEWER LIFT STATION NO. 1.

Councilmember Schulte questioned if the City had approximately \$240,000 left in the budget for this item. Public Services Director Gatlin stated this was correct, as the City originally budgeted to replace Lift Station No. 9. After further analysis, Lift Station No. 1 was selected to be completed at this time. He indicated the excess funds would remain in the water fund.

THE MOTION PASSED UNANIMOUSLY.

15. **CONSIDER RESOLUTION 12-41 PROVIDING RE-APPROPRIATION OF THE 2012 GENERAL FUND CONTINGENCY**

Finance Director Legg presented a memorandum to Council stating labor and benefits for 2012 should be allocated to the General Fund activities. All 2012 contracts have now been settled.

Re-appropriation to the personal services line item is now being requested based on the 2012 labor contracts and approved salary adjustments. Resolution 12-41 re-appropriating the personal services line item to the General Fund activities is attached for Council consideration. The allocation totals \$347,096. The resolution moves funds from the contingency account to individual activities within the General Fund for budgetary purposes.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION NO. 12-41 PROVIDING RE-APPROPRIATION OF THE 2012 GENERAL FUND CONTINGENCY. THE MOTION PASSED UNANIMOUSLY.

16. **AUTHORIZE PURCHASE OF TWO 2½ TON FREIGHTLINER PLOW TRUCKS AND OTHER SNOW PLOW EQUIPMENT**

Finance Director Legg presented a memorandum to Council stating the Fleet Maintenance Supervisor is recommending the purchase of two replacement plow trucks.

Staff is recommending the purchase of two Freightliner plow trucks (1 single axle M2 106V and 1 tandem axle M2 112V) and other snow plow equipment off of the State Contract at a cost of \$368,894.44 before trade and taxes to replace two Sterling plow trucks (a 2001 and 2002) as part of the normal replacement schedule. The trucks are used by the Public Works department primarily for snow removal purposes but also for the hauling of various materials during water main breaks, street

repairs, tree trimming, and street sweeping projects. Staff plans to accept the total trade-in amount of \$63,000 for both Sterling trucks.

The chassis would be purchased from I-State Truck Center at a cost of \$180,671.44 and sent to Towmaster Truck Equipment to have equipment installed at a cost of \$188,223. These costs are before tax is added.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER JOHNSON, TO AUTHORIZE STAFF TO PURCHASE TWO 2 1/2 TON FREIGHTLINER PLOW TRUCKS AND OTHER SNOW PLOW EQUIPMENT IN THE NET AMOUNT OF \$326,483.41 WHICH INCLUDES SALES TAX AND TRADE-IN OPTIONS.

Councilmember Sanders asked if the purchase could be delayed or if the purchasing schedule could be altered. Public Services Director Gatlin stated staff has moved the purchase back from seven years, to nine years and now to ten. He felt now was the time to trade in these vehicles as the value was decreasing. In addition, costs to replace the vehicles would be increasing in the future.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

Councilmember Schulte encouraged residents of the community to thank Shortstop Bar and Grill for sponsoring the Music in the Park series.

Councilmember Klint indicated she was approached by a resident in Ashley Oaks stating they were experience problems with wild turkeys again. Staff said they will look into this issue further as this has become a traffic concern.

ADJOURN

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO ADJOURN THE MEETING AT 9:00 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk



City Council Regular

1.

Meeting Date: 03/06/2012

Subject: Approve Agreement with Property Owner at 3044-109th Lane Regarding Sewer Service Repair

From: Doug Vierzba, City Engineer

INTRODUCTION

An agreement has been prepared for approval by Council regarding an emergency repair to the sanitary sewer service at a single-family home on 109th Lane. Council is requested to approve the agreement at this time.

DISCUSSION

The property owner at 3044-109th Lane contacted the City on February 22nd, asking for help on repairing the home's sanitary sewer service that was not operating. The owner had contacted a plumbing contractor who televised the sewer service pipe and found the service pipe had broken and plugged under the City street. The estimated cost to repair was \$2,650 and the owner does not have the ability to pay for the repair. This is an emergency situation and the repair was needed immediately. An agreement was prepared that would provide for the City paying the repair bill and then assessing the cost back to the property over a 5-year period. The owner signed the agreement and the repair work was done by the plumber.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Quality of Life** section of the 2030 Strategic Vision in the following way:

This sanitary sewer repair was an emergency situation and necessary to allow the home to be occupied.

RECOMMENDATION

It is recommended that Council approve the agreement with the homeowner providing for assessment of repair cost to the property.

Fiscal Impact

BUDGET IMPACT:

The repair cost of \$2,650 would be paid by the City and recovered through assessment to the property.

Attachments

Agreement

AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____,
by and between Dan Banta, a single person, of 3044 109th Lane NW, Coon Rapids, Minnesota
55433, hereinafter referred to as "Owner" and the City of Coon Rapids, a municipal corporation,
hereinafter referred to as "City."

WITNESSETH:

The Owner is the owner of Lot 2, Block 1, Village Manor Estates, Anoka County,
Minnesota (PIN: 16-31-24-33-0040).

The property is currently served by a public sanitary sewer. The service from the City
main to the house sustained breakage of the sanitary sewer pipe and has failed to operate
properly necessitating a repair of the service line. Owner's are unable to use their sewer service
creating an unsanitary condition.

Owner has indicated an inability to pay for the repair of the line and has requested that
the City advance the costs of the repair thereof in the amount of \$2,650 and to assess the costs
against the property.

The City Council determines that it is in the best interests of the City to have the
necessary repairs made in order to correct the unsanitary conditions resulting from the
nonfunctioning, broken sewer pipe and to assess the costs thereof against the Owner.

NOW, THEREFORE, the parties agree as follows:

1. The City has agreed to and has had the public sanitary sewer service line repaired
from the main to the house located at the above address. The action taken by the City was
predicated upon the request from the Owner of the property that the City take immediate action
to assist in the repair and to assess the costs against the Owner.

2. The Owner requests that the City assess its costs against the Owner's property, such assessment to be spread over five years. The Owner hereby waives notice of an assessment hearing and right to object provided by Minnesota Statutes Section 429.061 for the improvement and specifically waives his rights to appeal said assessment as provided by Minnesota Statutes Section 429.081.

3. The Owner agrees that this agreement shall have the same force and effect as a petition present pursuant to Minnesota Statutes Section 429.031, subd. 3 and specifically waives any public hearings with respect to the proposed improvements.


4. The Owner further agrees that the assessments shall include a \$64 administrative charge to reimburse the City for the costs incurred in the advancing of the funds and in assessing the costs thereof.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CITY OF COON RAPIDS

By: _____
Tim Howe, Mayor

By: _____
Matthew S. Fulton, City Manager

OWNER: _____


Owner's name

Owner's name



City Council Regular

2.

Meeting Date: 03/06/2012

Subject: 2011-2012 Insurance Renewals

Submitted For: Sharon Legg, Finance Director

From: Stephanie Lincoln, Purchasing Clerk

INTRODUCTION

Staff recommends accepting the quote from the League of Minnesota Cities Insurance Trust (LMCIT) for property and liability insurance for the period December 1, 2011 through November 30, 2012.

DISCUSSION

Mr. Mark Lenz, Bearence Management Group, the City's insurance agent, has presented a quotation for the property and liability policy, which includes a \$50,000 deductible up to an aggregate of \$200,000 as in previous policies. The premium savings by utilizing the \$50,000 deductible rather than a \$1,000 deductible will be \$157,918. The City paid \$101,070 in property and liability losses in 2011.

Property/Liability Rates - Property rates increased three percent for 2012 but other rates were maintained. Coon Rapids is insuring \$108 million in buildings/contents and 200 vehicles as compared to \$90 million in building and 189 vehicles for the prior year. Liability exposure is based on \$30.7 million of expenditures versus \$28.8 for the prior year.

An experience rating factor calculating expected losses, using a loss rate per \$1,000 of city expenditures, plus expected losses per vehicle compared to actual losses over the past three years, decreased from .836 to .739. When less than one, the rating represents a discount from the standard premium. This year's premium is based on 2008, 2009, and 2010 losses. The smaller the factor, the better.

Legal Limit - Statutory limits are \$500,000 per claimant and \$1.5 million per occurrence. The City has the option to waive these limits, allowing the LMCIT to pay claims in excess of the statutory limit. Waiving the limit does increase the premium. Staff recommends the City not to waive the statutory limit.

No Fault Sewer Back-up Coverage - The City carried this coverage from 2002 through 2010 but declined in 2011. Staff recommends that the City not purchase this coverage which would cost roughly \$10,000. There were three claims in 2011, down significantly from the past.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Excellence in Government** section of the 2030 Strategic Vision by protecting the City from claims and evidencing improved risk management practices.

RECOMMENDATION

Staff recommends authorization for the following:

- Purchasing insurance through the LMCIT with a \$50,000 deductible up to an annual aggregate of \$200,000.
- Maintaining statutory legal limits of \$1.5 million per occurrence.
- Not purchasing sewer backup liability insurance.

Fiscal Impact

BUDGET IMPACT:

The 2012 budget for insurance premiums is as follows:

General Fund	\$114,750
Water Fund	\$32,693
Sewer Fund	\$33,773
Golf Fund	\$38,782
Storm Drain Fund	\$5,014
Insurance Fund	\$44,200
Miscellaneous Fund	<u>\$7,500</u>
	\$276,712
Less Agent's Commission	(\$15,500)
Total Budget	<u>\$261,212</u>
Property/Liability thru L.M.C.I.T.	\$199,855
Employee dishonesty bond	1,303
Accident policy for volunteers	\$1,450
Lawyer's professional coverage	3,534
Total premiums	\$206,142

Attachments

Attachment

City of Coon Rapids, MN

Proposed Insurance Premiums 2011/12 as compared to prior years

Deductible: 50,000/200,000

	2011/12	2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
Insured property in millions	107.8	89.8	71.4	69.3	67.1	63.6	59.4
Number of vehicles/trailers (1)	200	189	186	195	190	181	196
Expenditures (\$ millions) for liability coverage	30.7	28.8	28.7	29.3	28.8	27	26.2
Expenditures (\$ millions) for error & omission coverage	48.5	53.3	48.3	50.3	51.7	49.1	49.2
Statutory limits:							
Per claimant	500,000	500,000	500,000	400,000	300,000	300,000	300,000
Per occurrence (\$ millions)	1.5	1.5	1.5	1.2	1.2	1	1
Experience rating	0.739	0.836	0.846	0.91	0.986	0.94	N/A
Premium:							
Property	60,524	42,352	39,527	39,975	42,044	39,082	29,614
Inland marine	10,716	7,725	8,511	9,754	10,350	8,207	6,749
Municipal liability	89,881	100,975	106,182	126,011	134,372	113,784	94,234
Automobile liability & physical	23,706	27,007	28,621	34,966	35,669	30,176	28,055
Petrofund reimbursement	Included	Included	Included	Included	Included	Included	Included
Open meeting law	Included	Included	Included	1,496	1,657	1,742	1,599
Bonds	1,303	1,373	1,656	1,595	1,491	1,374	1,350
No fault sewer back-up	0	0	9,024	10,718	10,529	9,672	11,069
Equipment breakdown	15,028	12,511	9,967	9,664	10,988	10,416	9,490
Accident plan for volunteers (est)	1,450	1,595	2,175	2,175	2,175	2,175	2,175
 Total LMCIT policy	 202,608	 193,538	 205,663	 236,354	 249,275	 216,628	 184,335
 Other vendors							
Lawyer's professional (Aug 1 renewal)	3,534	3,574	3,574	3,759	3,942	3,942	3,942
Clinic professional (June 1 renewal)	n/a	n/a	n/a	n/a	n/a	4,756	4,754
 Total other vendors	 3,534	 3,574	 3,574	 3,759	 3,942	 8,698	 8,696
 Excess liability (\$1,000,000)	 n/a	 n/a	 n/a	 n/a	 n/a	 n/a	 n/a
 Total premium	 206,142	 197,112	 209,237	 240,113	 253,217	 225,326	 193,031

(1) Based on number of vehicles at time of application. Fluctuations occur due to overlap in delivery of new units and disposal of old ones.

2004/05	2003/04	2002/03	2001/02	1998/99	1997/98	1996/97	1995/96	1994/95
55	53.2	49.6	47.6					
196	174	173	176					
27.2	22.5	21.6	21.5					
51.3	39.2	44.1	43.3					
300,000	300,000	300,000	300,000					
1	1	1	1					
N/A	N/A	N/A	N/A					
28,200	33,597	25,523	21,875	16,418	14,274	13,358	24,889	21,057
7,610	7,370	7,141	5,486	3,696	3,563	3,372	2,187	1,980
93,997	99,851	97,524	92,039	96,128	95,024	93,712	100,924	148,000
29,031	29,268	26,804	32,221	27,923	24,521	20,022	21,695	24,341
576	621	698	698	468	389	840	650	788
1,738	1,812	2,077	2,078	2,957	2,957	1,408	3,125	3,484
1,405	1,384	1,646	1,453	1,322	1,282	1,252	4,176	
7,990	8,486	8,262	7,819					
8,703	8,428	7,844	7,520	6,770	6,426	5,592	4,632	1,363
2,175	2,175	2,175	2,175	2,175	2,175	2,175	2,175	2,132
181,425	192,992	179,694	173,364	157,857	150,611	141,731	0 164,453	0 203,145
3,876	3,876	3,555	2,963	2,712	2,927	2,936	2,936	2,438
4,756	4,756	3,805	3,260	3,203	3,203	2,213	2,213	3,483
8,632	8,632	7,360	6,223	5,915	6,130	5,149	5,149	5,921
n/a	n/a	n/a	39,240	45,307	45,307	42,615	46,439	71,421
190,057	201,624	187,054	218,827	209,079	202,048	189,495	216,041	280,487

1993/94*

27,111
2,331
125,670
20,516
N/A
1,890

1,292

0 178,810

2,239
3,004

13,615

126,436

317,821



City Council Regular

3.

Meeting Date: 03/06/2012

Subject: Open Mic Report - Jerry Pierce

Submitted For: Matt Fulton, City Manager

From: Cathy Sorensen, City Clerk

INTRODUCTION

Jerry Pierce, 12236 Partridge Street, appeared at Open Mic on February 21 with continuing concerns about the Mayor and City Manager and staff's interpretation of whether automatic doors were required at Bunker Hills Clubhouse.

DISCUSSION

This topic was brought up by Mr. Lewis Peterson at the October 18, 2011, Council meeting. Attached is staff's response to Mr. Peterson concerns, which was shared during the November 1 Council meeting. Mr. Pierce was present when the report was shared and staff had provided a copy of the report to Mr. Pierce as well.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Excellence in Government** section of the 2030 Strategic Vision in the following way: by providing the community with information to the best of our ability with the resources available.

RECOMMENDATION

This is for information only; no action is necessary.

Attachments

Open Mic Report

Attachment



TO: Mayor, City Councilmembers, City Manager

FROM: Steve Gatlin, Public Services Director

SUBJECT: Open Mic Report
Lewis Peterson, 12524 Grouse Street
Re: Need for Handicap Accessible
Entrances at the Clubhouse

DATE: November 1, 2011

INTRODUCTION

Mr. Lewis Peterson appeared at Open Mic at the October 18, 2011 Council meeting. He had concerns and questioned why the doors at the Bunker Hills Clubhouse did not have automatic openers/closers. He noted he was at the Bunker Hills Event Center and had difficulty accessing the building. He also asked about responsibilities for review and final acceptance of the project by the City.

DISCUSSION

Staff discussed this issue with both the Design Architect Team and the City Building Official. Both Doug Whitney, Chief Building Official and Dave Carlson, Lead Design Architect from Partners & Sirney, noted that the building as constructed is fully compliant with all handicap codes and Americans for Disability Act (ADA) requirements.

Both the building official and the architect noted that automatic openers/closers are not required in this application. Whether or not those devices are installed depends upon the building type and occupancy type and doors and door hardware. In the case of the Clubhouse, the building type and occupancy and door type and hardware, did not mandate installation of automatic door openers/closers. A memo from Doug Whitney explaining this item is attached.

Even though these devices are not mandated by applicable code, it is appropriate to consider installing automatic openers/closers on at least one of the principal entrance doors. We have discussed the matter with the architect and he is obtaining pricing for retrofitting one or two doors with automatic closers. These devices are fairly simple to install. The touch pads can be wall mounted and are battery operated so major excavation and wiring is not necessary. The door hardware would need to be retrofitted with automatic opening/closing devices. We are now obtaining pricing to do at least one door, probably the main entrance into the restaurant area. Staff has directed the architect to obtain pricing from the original door contractor for the project and one or two other quotes to ensure competitive pricing.

Mayor, City Councilmembers, City Manager
Open Mic Report - Lewis Peterson
November 1, 2011
Page 2

Regarding City review and final acceptance of the project, during the design process, final project plans and specifications are submitted to the Building Department for review. At that time a code compliance review is completed on all project elements. Necessary revisions to bring the project into code compliance are completed at that time to the plans and specifications before bidding. During construction, various components are inspected by appropriate building inspectors with expertise in that particular discipline. Upon completion of the project, the building official issues a certificate of occupancy which means that the building is completed in accordance with plans and specifications and is compliant with all codes and ordinances.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the Community Development/Redevelopment section of the City's long term strategic vision. Redevelopment of Bunker Hills Clubhouse will enhance the recognition of Bunker Hills Golf Course as a major destination location through the redevelopment of the clubhouse facility.

BUDGET IMPACT

Funding for retrofitting the new Clubhouse with automatic door openers/closers will be funded from the project construction fund. The final project budget has adequate reserves to fund this retrofit project.

RECOMMENDATION

No action is necessary on this item. This report is provided for informational purposes only.

Attachment

cc: Lewis Peterson



TO: Mayor, Councilmembers, City Manager

FROM: Douglas Whitney,
Chief Building Official

SUBJECT: Bunker Hills Clubhouse -
Automatic Door Openers

DATE: November 1, 2011

INTRODUCTION

Accessible approach and entrance to buildings: People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

DISCUSSION

We have received complaints about the lack of ADA power operators at Bunker Hills Golf Club's brand new clubhouse.

The building complies with the 2007 Minnesota State Building Code (MSBC). Minnesota Rules Chapter 1341 Minnesota Accessibility Code is part of the 2007 MSBC. The Minnesota Accessibility Code incorporates the 2003 edition of ICC/ANSI A117.1 as promulgated by the Accredited Standards Committee A117 on Architectural Features and Site Design of Public Buildings and Residential Structures for Persons with Disabilities. The ICC/ANSI A117.1-2003 edition is approved by the American National Standard Institute (ANSI) and owned by the International Code Council, Inc. ICC A117.1 is incorporated by reference in IBC Chapter 11 and made part of the Minnesota State Building Code except as amended.

The codes do not require ADA power operators at any of the doors. ADA power operators can be used to provide access when the doors to a building do not meet ADA or code requirements. An example is the doors at the City center did not have the required 10" bottom kick plate. Approach slopes and doors clearances are other reasons ADA power operators maybe installed.



City Council Regular

4.

Meeting Date: 03/06/2012

Subject: Appeal Decision of Board of Adjustment and Appeals, Scott Nellis, 10320 Grouse St, Case 12-01V

Submitted For: Doug Whitney, Chief Building Official

From: Cindy Hintze, Administrative Specialist

INTRODUCTION

The property owner, Scott Nellis, is appealing a decision of the Board of Adjustment and Appeals upholding a Compliance Order of the Chief Building Official that directed the residential structure at 10320 Grouse Street be posted Unfit for Human Habitation on January 17, 2012, unless certain corrective actions were taken. Mr. Nellis appealed the Compliance Order to the Board of Adjustment and Appeals, which upheld the Compliance Order of the Chief Building Official on February 2, 2012. Mr. Nellis is appealing the Board's decision. A copy of the property owner's appeal is attached (Attachment 1 – Appeal of Board Decision).

DISCUSSION

The subject property is a split entry house with a two-car attached garage located in an area zoned Low Density Residential LDR-2. The structure, built in 1976, contains approximately 2,100 square feet of floor area (including unfinished lower level area) and an attached garage of 572 square feet.

On October 19, 2011, Leya Drabczak, Coon Rapids Housing Inspector, inspected the backyard of the subject property in response to a report that a large pile of wood shavings used for animal bedding was being disposed of in the back yard and that a foul smell was coming from the pile. During the inspection, Ms. Drabczak observed this condition in the back yard of the subject property. An internet search by Ms. Drabczak found a website operated by Mr. Nellis listing his snake breeding business. This complaint and inspection led to a request for an administrative search warrant to inspect the interior of the subject property.

On October 26, 2011, pursuant to the administrative search warrant, the subject property was inspected by: Leya Drabczak, Housing Inspector; Coon Rapids Police Department members Mike Plankers; Brad Johnson, Greg Koss and Desiree Toninato; Coon Rapids Fire Department members Nick House and Shannon Moen; and State Humane Society Officer Keith Streff. A copy of Ms. Drabczak's inspection observations is attached; it includes reports by the Police and Fire Departments (Attachment 2 – Inspection Observations).

Upon approaching and entering the dwelling, and throughout the search, inspectors detected a very strong smell of ammonia. Inspectors experienced burning of their eyes and throats due to the high level of ammonia and it became necessary for inspectors to wear masks for the remainder of the inspection.

Inspectors located a room on the ground (entryway) main level near the front door that housed approximately 80 snakes of various sizes and species. (See Attachment 3 – Dwelling Layout with Photos.) Cages had glass fronts with sliding doors and were stacked on top of one another from floor to ceiling. Cages were located around the perimeter of the room and an island of cages stacked from floor to ceiling was made in the center of the room. The walkways between the columns of cages were less than three feet in width. This arrangement of cages blocked full access to the window in this room therefore obstructing egress. The animals were very active and would strike at the glass as inspectors walked by. The room was dark and the light and ceiling fan could not be turned on because

the cages were touching the fixture. Inspectors needed to use flashlights to see what snakes were in the cages. The animals would strike at the glass when lights were shined into their cages. The floor in this room and most floors throughout the dwelling were carpeted.

The lower level of the dwelling housed three separate areas of snakes and rats. One room, a bedroom of approximately 145 square feet, contained approximately 120 snakes in it of various species and sizes. There were various animals located in this room including hissing cockroaches, meal worms and various lizards. The cages were located around the perimeter of the room and stacked vertically from floor to ceiling. The second bedroom on the lower level, containing approximately 102 square feet, housed snakes in cages stacked from floor to ceiling along all perimeter wall space.

The larger, unfinished area of the lower level, containing approximately 483 square feet, housed various large snakes and mice and rats in cages. The cages were stacked on top of one another from floor to ceiling. The mice and rats were housed on one side of the room and the snakes and reptiles along the other.

In the upper level living room, inspectors found three large aquariums containing lizards. The urine/feces smell in the upper level of the dwelling was as strong as in the lower and ground levels of the dwelling. Humane Society Officer Streff's report includes the following statement, "The interior of the home was fairly well kept but had a nearly overwhelming odor consistent with a musk common to the rodent and reptile family."

Inspectors estimated that there were approximately 300 snakes and 400 feeder rats and mice combined in the property. Photographs were taken on site, some of which are included in this report (see reference above). The property owner did not have a current inventory list. He stated that there are too many animals to keep track of because he buys, sells, and breeds continually. The City does not have the resources necessary to catalog each animal found on site. In the photographs, each of the plastic bins stacked on top of one another houses snakes. Not all of the snakes are visible in the plastic containers in the photographs.

On February 15, 2012, Housing Inspector Leya Drabczak requested Mr. Nellis provide an inventory of the animals maintained in the dwelling to assist in this appeal. On February 22, 2012, Mr. Nellis provided an inventory listing 363 snakes, 61 lizards and approximately 321 rodents. A copy of Mr. Nellis' response, which includes Ms. Drabczak's request, is attached (Attachment 4 – Inventory by Nellis 120217).

Coon Rapids Fire Department personnel conducted an inspection of the air quality in the subject dwelling. The dwelling contained a strong smell of urine and feces and a member of the North Metro Chemical Assessment Team was called to bring NH₃/Ammonia detectors to the scene. The doors of the dwelling had been left open in order to air out the air in the dwelling. Fire Department staff entered the dwelling with half face respirators. The North Metro Chemical Assessment Team found the level of NH₃/Ammonia to be 10 parts per million (ppm) on the upper level and 20 ppm in the lower level of the home. These reported levels of ammonia gas were elevated and higher than what is normally found in the habitable space of a typical dwelling. Prolonged exposure to high levels of ammonia may contribute to health issues of the occupants of the subject premises. According to Coon Rapids Fire Captain Tim Gilsrud, a typical residential dwelling, when tested for ammonia levels, registers a reading of zero or less than one ppm.

Also, on February 7, 2012, I accompanied Housing Inspector Leya Drabczak on a site visit of the subject property; we found squirrels leaving the attic space through a large hole in fascia. Although we were standing upwind from the structure, we could detect strong odors of ammonia and of the rodents. We also noted four 90-gallon trash containers located in front of the garage door.

It is my determination that a residence like the subject dwelling is not designed to be used in the manner the property owner is currently using it as none of the rooms that housed the snakes and other animals had either adequate sanitation or ventilation. For example, the floors were not made of a smooth, hard, nonabsorbent surface that extends upward onto the walls at least six inches. The walls adjacent to the cages also did not consist of a smooth, hard, nonabsorbent surface to the top of the cages.

It is also my determination that the mechanical (ventilation, furnace and air conditioning) systems in a typical

residential dwelling are not designed to support the many rows of cages of animals that the subject dwelling contains. Houses in general are designed as a place where one lives - a residence. A dwelling is defined by the International Building Code as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single-family dwelling is not designed with heating and ventilation systems meeting the needs associated with the keeping of snakes or the other animals as found in the subject dwelling. Windows may be used in houses to provide ventilation and houses use recirculation of air to conserve energy. Facilities designed for the keeping of animals are provided with 100 percent supply and exhaust in the ventilation systems with no recirculation of air to control the spread of disease. In this dwelling, inspectors noted the heating system had been modified by blocking system registers with rags in the ductwork. Officer Streff's report states that the "existing ventilation is inadequate and cannot sufficiently accommodate the number of animals currently confined to the residence."

Additionally, I find that there were an insufficient number of electrical receptacles (outlets) to serve the dwelling as evidenced by the extensive use of extension cords found in the dwelling. Extension cords shall not be used as a substitute for permanent wiring; extension cords and flexible cords shall not be affixed to structures; extended through walls, ceilings, floors; extended under doors or floor coverings; nor be subject to environmental damage or physical impact. A significant amount of receptacles are necessary to accommodate the heating elements in each cage. During the inspection of the dwelling, Mr. Nellis stated to Ms. Drabczak that "snakes, lizards and insects do not fare well in overly ventilated, drafty areas."

Under separate action, the property owner received Administrative Citation # 45839-19955 for the debris in the back yard, including animal feces and bedding. The property owner complied. Also under separate action, Administrative Citation # 45839-19945 has been issued for the removal of all snakes prohibited by City Code Chapter 6-500, Non-domestic Animals. Mr. Nellis has filed an appeal in that matter and it is being considered under a separate, administrative appeal action.

Dwelling unfit for human habitation determination

Subpart 1, Purpose, of Part 1300.0030 of the Minnesota State Building Code reads:

The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Part 1300.0180, Unsafe Buildings or Structures, of the same code, provides the following:

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action. All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, Sections 463.15 to 463.26.

This provision is not only for the health and safety of building occupants but for safety to fire fighters and emergency responders during emergency operations as well. Homes are not designed or equipped to accommodate the number of snakes, mice, rats and lizards present in the subject dwelling.

Minnesota State Building Code 2006 IBC section 1203.4.2 states;

Contaminants exhausted. Contaminant sources in naturally ventilated spaces shall be removed in accordance with the International Mechanical Code and the International Fire Code.

The Building Code references the International Mechanical Code:

SECTION 403 MECHANICAL VENTILATION

403.1 Ventilation System. Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure.

Ventilation supply systems shall be designed to deliver the required rate of supply air to the occupied zone within an occupied space. The minimum ventilation rate of outdoor air shall be determined in accordance with Section 403.3. Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.

SECTION 510 HAZARDOUS EXHAUST SYSTEMS

510.1 General. This section shall govern the design and construction of duct systems for hazardous exhaust and shall determine where such systems are required. Hazardous exhaust systems are systems designed to capture and control hazardous emissions generated from product handling or processes, and convey those emissions to the outdoors.

510.4 Independent system. Contaminated air shall not be recirculated to occupied areas unless the contaminants have been removed.

The North Metro Chemical Assessment Team found the level of NH₃/Ammonia to be 10 parts per million (ppm) on the upper level and 20 ppm in the lower level of the home. The OR-OSHA Permissible Exposure Limit (PEL) for ammonia is 25 ppm as an eight-hour Time Weighted Average. The liquid or gas may cause severe irritation and/or burns to the eyes, nose, throat and the skin. Ammonia has an odor threshold of 1 -2 ppm.

City Code Section 12-306 Minimum Standards, Subsection 7 provides:

Electrical Service in Dwellings. Every dwelling unit and all public and common areas must be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, maintained in safe and good working condition in compliance with the edition of the National Electric Code in effect as of the date of construction or improvements thereto, and connected to a source of electric power in a manner prescribed by State and local laws, ordinances, rules, and regulations.

The National Electrical Code, NEC ARTICLE 400, regulates Flexible Cords and Cables.

400.1 Scope., covers general requirements, applications, and construction specifications for flexible cords and flexible cables.

400.8 Uses Not Permitted (ref. Extension Cord)., states that flexible cords and cables shall not be used for the following: as a substitute for the fixed wiring of a structure; where run through holes in walls, structural ceilings, suspended ceilings, dropped ceilings, or floors; where run through doorways, windows, or similar openings; where attached to building surfaces; and where concealed by walls, floors, or ceilings or located above suspended or dropped ceilings.

Extension cords need ventilation to prevent heat buildup; if cords are placed inside a wall or an enclosed space, heat will cause the outer jacket to dry out over time, crack, exposing bare wires, creating a point of electrical shorting of the wires, causing a spark, resulting in a possible dangerous fire. Extension cords are to be used only for short periods of time.

The conditions of the subject structure that led to the determination of the building being classified as Unfit for Human Habitation (City Code Section 12-313), and an Unsafe Building or Structure (Part 1300.0180 of the Minnesota State Building Code) and the issuance of the Compliance Order (City Code Section 12-315) include:

- Dwelling is not provided with the mechanical and ventilation systems needed to keep and care for the numerous snakes, lizards, rodents and insects present in the structure.
- The air contaminants are well above any acceptable limits.
- The wall and floors are not of smooth, hard, nonabsorbent surfaces needed to provide sanitary conditions.
- The overall excessive storage present in the structure creates a hazard for fire fighters and emergency responders during emergency operations.
- The windows that the fire department would use during emergency operations are blocked, limiting access into the dwelling.
- The use of extension cords is a noncompliant condition and whether energized or not, creates dangerous condition to human life and property. As used they pose both a shock and fire hazard when used as a substitute for the fixed wiring of a structure.
- Section 301.14 of the 2006 International Fuel Gas Code requires all buildings or structures and the walls enclosing habitable or occupiable rooms and spaces in which persons live, sleep or work, or in which feed, food or foodstuffs are stored, prepared, processed, served or sold, shall be constructed to protect against rodents in accordance with the Building Code.

Based on these conditions, I issued a Compliance Order, dated November 30, 2011, ordering Mr. Nellis to correct certain conditions within 45 days. Failure to make the corrections would result in the posting of the structure as unfit for human habitation on January 17, 2012. The property owner was required to make the following corrections:

- Completely remove all the snakes, lizards, rodents and insects from the property.
- Remove all items related to the keeping of the snakes, lizards, rodents and insects, and waste and debris.
- Provide a satisfactory air quality report.

On December 5, 2011, Mr. Nellis appealed the Compliance Order. As a result, and because children or vulnerable adults reside in the dwelling, staff did not post the dwelling as uninhabitable. Additionally, staff concluded it was in the best interest of the animals to have a caretaker on site. Coon Rapids Fire Department placed this address on the Anoka County Dispatch list to use special care upon entering this home in the event of a fire or medical emergency.

The Board of Adjustment and Appeals considered Mr. Nellis' appeal on February 2, 2012. The Board upheld staff's decision. Copies of the staff report to the Board and the Board meeting minutes are attached. The staff report contains Mr. Nellis' original appeal of the Compliance Order. The minutes include written remarks Mr. Nellis presented to the Board. (See Attachment 5 – Board Memo, and Attachment 6 – Board Minutes.)

Mr. Nellis appealed the decision of the Board of Adjustment and Appeals in this matter on February 6, 2012.

Findings

Findings in this matter are proposed and attached for Council's consideration and adoption (Attachment 7 – Findings).

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Housing/Neighborhoods** section of the 2030 Strategic Vision in the following way:

- Maintaining the residential character of the neighborhood.
- Providing a safe and healthy living environment for the dwelling occupants.
- Provide safety to fire fighters and emergency responders during emergency operations.

RECOMMENDATION

In the appeal of the Board of Adjustment and Appeals decision in Case 12-01V, staff requests the City Council adopt the attached Findings and uphold the Building Unfit for Human Habitation and Unsafe Buildings or Structures Compliance Order of the Chief Building Official dated November 30, 2011. An amendment or rejection of the Board's decision requires an affirmative vote of at least five members of the City Council.

Attachments

Attachment 1 - Appeal of Board Decision

Attachment 2 - Inspection Observations

Attachment 3 - Dwelling Layout with Photos

Attachment 4 - Inventory by Nellis

Attachment 5 - Board Memo

Attachment 6 - Board Minutes

Attachment 7 - Findings

February 6, 2012

To: Cheryl Bennett, Housing and Zoning Coordinator

To: Douglas Whitney, Chief Building Official

Yes, I am appealing the decision of the Board of Adjustments and Appeals in the matter of case 12-01V (building unfit for human habitation) to the City Council.

Scott Nellis

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COON
RAPIDS
Minnesota

Cheryl Bennett
Housing and Zoning Coordinator
cbennett@coonrapidsmn.gov
(763)767-6422

February 3, 2012

Scott Nellis
10320 Grouse Street
Coon Rapids, MN 55433

**Notice of the Decision of the Board of Adjustment and Appeals in the Matter of
Case 12-01V; Appeal Order of the Chief Building Official; Scott Nellis, Petitioner**

Dear Mr. Nellis:

This matter came before the Board of Adjustment and Appeals for the City of Coon Rapids on February 2, 2012. The Board's decision in this matter is a final decision subject to appeal to the City Council in accordance with Section 11-334 of the City Code.

Based upon the testimonies received and upon all other information brought before the Board, the Board denied the appeal on a four to zero vote and upheld the Building Unfit for Human Habitation (City Code Section 12-313) and Unsafe Buildings or Structures (Minnesota Rules Part 1300.0180) Compliance Order of the Chief Building Official dated November 30, 2011.

This decision will become a final decision unless any person aggrieved by such decision files with this office a written request that such decision be appealed to the City Council. Further, this written request for appeal must be received in this office by the close of the business day (4:30 p.m.) on February 16, 2012.

If you have questions regarding this matter, please feel free to contact my office at 763-767-6422.

Sincerely,


Cheryl Bennett
Housing and Zoning Coordinator

cc: Douglas Whitney, Chief Building Official

10320 GROUSE ST NW

Inspection Observations

Date of Inspection: 10/26/2011

10320 Grouse St NW Coon Rapids, MN PID # 22-31-24-41-0111

Owner: Scott Nellis

Single family split entry home on residential lot

Compiled by Leya Drabczak, Housing Inspector

Inspected by: Leya Drabczak Housing Official, Coon Rapids Police Department members Mike Plankers, Brad Johnson, Greg Koss and Desiree Toninato. Coon Rapids Fire Department members Nick House and Shannon Moen. Humane Officer Keith Streff.

It was reported that a large pile of wood shavings used as animal bedding was being disposed of in the back yard and a foul smell was coming from the pile. Leya Drabczak Housing Inspector for the City of Coon Rapids inspected the backyard on 10/19/2011 and found it to be of a concern. A internet search by Leya Drabczak found a website operated by Mr. Nellis listing his snake breeding business. (See attached information.) This lead to a request for and administrative search warrant to inspect the property.

Inspection of property for prohibited animals was conducted on 10/26/2011 at approximately 1:40 p.m. The Administrative Search warrant was present to the owner Mr. Scott Nellis of the property at the front door. Officers Des Toninato, Brad Johnson and Humane Officer Keith Streff were present and the front door. Officer Greg Koss and Mike Plankers assisted and were located at the rear of the dwelling. Mr. Nellis read the warrant and granted entry into the property. Mr. Nellis was cooperative with the search.

Upon entering a very strong smell of ammonia could be detected. Inspectors eyes and throat were burning. Inspectors wore masks for the remainder of the inspection.

Room on the mail level near the front door housed approximately 80 snakes of various sizes and species. Cages had glass fronts with sliding doors and were stacked on top of one another from floor to ceiling. Cages were located around the perimeter of the room and an island of cages from floor to ceiling was made in the center of the room. The walkways between the columns of cages was less than three feet. The animals were very active because they had not been fed recently and would strike at the glass as inspectors walked by. The room was dark and the light and ceiling fan could not be turned on because the cages were touching the fixture. Inspectors needed to use flashlights to see what snakes were in the cages. The animals would strike at the glass when lights were shining in their cages.

The upper level living room housed 3 large aquariums with lizards in them. The smell in the upper level of the dwelling was as strong as in the lower level of the dwelling and main level.

The lower level of the dwelling housed 2 separate areas of snakes and rats. One room had approximately 120 snakes in it of various species and sizes. There was a large window in this room which provided ample light. There were various animals located in this room including hissing

cockroaches, meal worms and various lizards. The cages were located around the perimeter of the room from floor to ceiling.

The second room the lower level housed various large snakes and rat and mice cages. The cages were stacked on top of one another from floor to ceiling. The mice and rats were housed on one side of the room and the snakes and reptiles along the other. Inspectors estimate that there were approximately 300 snakes and 400 rats and mice combined in the property.

Approximate number of snakes totals 300 and feeder rats and mice total 400. Photographs were taken on site. Mr. Nellis did not have a current inventory list. He stated that there are too many animals to keep track of because he buys sells and breeds continually. We did not have the resources to catalog each animal on site. In the photographs each of the plastic bins that are stacked on top of one other house snakes. Not all of the snakes are visible from the plastic containers.

Humane Officer Keith Streff inspected the condition of the dwelling and living conditions and overall health of the animals. He asked to see the veterinarian records for the animals as well as any medications used, and the carbon dioxide used in the euthanizing chamber. Officer Streff did not see any reason to remove any of the animals from the dwelling. Mr. Nellis stated that he did not have any venomous snakes at the property. Officer Streff confirmed this statement.

Staff did not post the dwelling uninhabitable as there are no children or vulnerable adults in the dwelling. Staff concluded it was in the best interest of the animals to have a caretaker on site. Coon Rapids Fire Department will be placing this address on the Anoka County Dispatch list to use special care upon entering this home in the event of a fire or medical emergency.

Mr. Nellis received administrative citation # 45839-19955 for the debris in the backyard including animal feces and bedding. A separate administrative citation # 45839-19945 was issued for the removal of the prohibited snakes. A compliance date of 11/06/2011 was given. An appeal application was included in the information provided to Mr. Nellis as well as a copy of the Administrative Search Warrant and City Code Sections 6-500.


Coon Rapids Fire Department conducted an inspection of the air quality. Coon Rapids fire report # 21625 states the levels of gas in a dwelling. Due to the strong smell of urine and feces a member of the North Metro Chemical Assessment Team was called to bring NH3/Ammonia detectors to the scene. The doors of the dwelling had been left open in order to air out the air in the dwelling. The reported levels of gas due to ammonia were elevated and higher than what is normally found in a habitable space. The reports lists a colorless gas with a pungent suffocating odor. Fire Department staff entered the dwelling with ½ face respirators. Prolonged exposure to high levels of ammonia may contribute to health issues of the occupants of 10320 Grouse St NW.

Related Reports

Coon Rapids Police Report # 11244396 dated 10/26/2011

Coon Rapids Fire Department Report # 21625 dated 10/26/2011

INCIDENT INFO

Agency Name: COON RAPIDS POLICE DEPT.		ORI #: MN0020500		JCF: <input type="checkbox"/>	Add'l Pages: <input type="checkbox"/>	 * 1 1 2 4 4 3 9 6 *	
Reporting Officer(s): K071 TONINATO, DESIREE				K068 PLANKERS, MICHAEL		Total Value Stolen (Property): \$0.00	
Date Reported: 10/26/2011 01:38 PM	Assigned: 1300	Arrived: 1338	Cleared: 1442			Total Value Damaged (Property): \$0.00	
Earliest Date/Time Occurred:		Latest Date/Time Occurred:				Total Value Recovered (Property): \$0.00	
Location of Offense/Incident: 10320 GROUSE ST NW COON RAPIDS, MN 55433-				Apt:	Grid: 30G - 30G - RES - S OF DOUBLE RR TRACKS, N ..		

OFFENSE(S)

MOC Code:	Classification:	Disposition:
09911	ASSIST OTHER AGENCY (NON LE)	PENDING

NARRATIVE

Incident Narrative 1

DETECTIVES PLANKERS, JOHNSON, KOSS AND I, FIRE FIGHTERS MOEN, AND HOUSE ASSISTED CITY OF COON RAPIDS CODE INSPECTOR LEYA DRABOZAK WITH EXECUTING A SEARCH WARRANT. ALSO ASSISTING WAS THE STATE HUMANE SOCIETY OFFICER J. STRIEFF. SEARCH WARRANT WAS FOR POSSESSING SNAKES IN VIOLATION OF THE CITY CODE.

ARRIVED AND MET WITH HOMEOWNER /OWNER OF THE SNAKES SCOTT NELLIS. NELLIS COOPERATIVE. THE AMMONIA SMELL IN THE HOME WAS OVERWHELMING. APPROX. 300 SNAKES, 400 FEEDER RATS AND NUMEROUS GECKOS PRESENT IN THE RESIDENCE ALL HOUSE IN CAGES. ALL THE CAGES WERE LABELED AND ORGANIZED. PER STRIEFF ANIMALS SEEMED TO BE HEALTHY.

ATTACHED ARE COPIES OF THE WEB INFORMATION/ADVERTISEMENT BY MR. NELLIS.

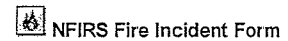
MR. NELLIS IS A COLLECTOR OF GUNS AS WELL AND HIS BEDROOM CONTAINED A SIZEABLE COLLECTION. COPY OF SEARCH WARRANT LEFT WITH NELLIS. CLEARED.

NAME CODES: A - Adult Arrested, AC - Arresting Citizen, C - Complainant, D - Driver, F - Family/Parent, G - Guardian, J - Juvenile Arrested, M - Mentioned, MP - Missing Person, I - Other Involved, O - Owner, P - Passenger, PT - Perpetrator, R - Reportee, S - Suspect, V - Victim, W - Witness

NAME(S)

<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: A	Code: O	Name: NELLIS, SCOTT CHRISTOPHER		Alias:		
Address (Street, City, State, Zip): 10320 GROUSE ST NW COON RAPIDS, MN 55433-				Apt:	Date of Birth:	Sex: MALE	Race: WHITE
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:	Work/Bus. Cell:	Cell/Pager/Fax:	
<input type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U:	Code:	Name:		Alias:		
Address (Street, City, State, Zip):				Apt:	Date of Birth:	Sex:	Race:
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:	Work/Bus. Cell:	Cell/Pager/Fax:	
<input type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U:	Code:	Name:		Alias:		
Address (Street, City, State, Zip):				Apt:	Date of Birth:	Sex:	Race:
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:	Work/Bus. Cell:	Cell/Pager/Fax:	
Supervisor: K				Extra Copy To: CITY CLERK/PATROL ✓		Related Case Number:	

CASE



- Search
- Form Options
 - Add Exposure
 - Add QA/QI Note
 - Add Addendum
 - Add Attachment
- Reports
 - NFIRS Complete Report
 - NFIRS Standard Report
 - NFIRS Report with Additional Narratives
 - NFIRS Report with Special Study Questions
- History

Basic (R)		Apparatus/Personnel (O)			
Validity: 100	FDID: 02306	Incident Date: 10/26/2011	Alarm Date: 10/26/2011 13:33	Incident #: 21625	Entered: 10/26/11 by Nicholas House
Status: Completed	Locked	State: MN	Station: 1	Exposure: 0	Updated: 10/27/11 by Aaron Johnston

NFIRS-1 Basic

A - Incident Information

Incident Date: 10/26/2011	Primary Station: Fire Station #1	Secondary Stations: City Hall (Staff Vehicle) Fire Station #2 Fire Station #3	Incident Number: 21625	NFIRS Number: 104009	Exposure: 000
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B - Incident Location

Location Type: Street address	<input type="checkbox"/> Check if it's a Wildland Location	Census Tract:
10320	Grouse	Street: Northwest
Street Number	Street Prefix	Street Type
	Street or Highway	Street Suffix
		Apt / Suite / Room
Favorite Location:		
Postal Code: 55433		
City: Coon Rapids	County: Anoka	State: MN

C - Incident Type / D - Aid Given or Received

Incident Type: 551	Assist police or other governmental agency
Aid Given or Received: Mutual aid received (1)	
Aiding Department(s):	ANDOVER, 02114 ANOKA-CHAMPLIN, 02301 BROOKLYN PARK, 27333 SPRING LAKE PARK, 02313
Response Mode to Scene: Non-Emergency (5051001)	

E1 - Dates and Times

	Date	Time (H:M:ss)
PSAP	10/26/2011	13:33:00
Alarm	10/26/2011	13:33:00
Arrival	10/26/2011	13:39:00
Controlled	10/26/2011	14:00:00
Last Unit Cleared	10/26/2011	14:44:00
In Service	10/26/2011	14:44:00

F - Actions Taken

Primary Action Taken: 86	Investigate
Secondary Actions Taken:	
Other:	

E2 - Shifts and Alarms

Shifts or Platoon: A	Alarms: 1	District: 1
Alarm Type: Not Paged		
Special Study Questions:		
Who Arrived First:		
DL Number:		

G1 - Resources

<input type="checkbox"/> Check this box if an Apparatus or Personnel Module is used	
Apparatus	Personnel
Suppression: 0	0
EMS: 0	0
Other: 2	2
<input type="checkbox"/> Check this box if resource counts include aid received resources	

G2 - Estimated Dollar Losses and Values

LOSSES: Required for all fires if known Optional for non-fires	
Property \$	<input type="checkbox"/> None
Contents \$	<input type="checkbox"/> None
PRE-INCIDENT VALUE: Optional	
Property \$	<input type="checkbox"/> None
Contents \$	<input type="checkbox"/> None

H1 - Casualties (Fire Only)

	Deaths	Injuries
Fire Service	0	0
Civilian	0	0

H2 - Detector / H3 - Hazardous Materials Release / I - Mixed Use Property / J - Property Use

Detector:	
Hazardous Materials Release:	
Mixed Use Property:	Not mixed use (NN)
Property Use:	419 1 or 2 family dwelling

L - Narrative

Incident Narrative

Inspectors 1, 11 went out with Leya from housing along with CRPD Officers on a warrant to check a home that had multiple snakes inside. Allina was requested to stand by at the scene until we cleared.

CRPD initiated the search warrant and made contact with the homeowner. Due to the strong smell of ammonia we had to enter the home with 1/2 face respirators on. SBM Fire was contacted via phone and responded with a NMCAT Ammonia sensor (see supplement from Insp. Moen). Units made entry into the house and

Additional Narratives

User Entered
Shannon Moen

Date Entered
10/28/2011

Additional Narrative

I1, I11 along with Housing Dept., CRPD, Humane Society inspected a home that had approximately 300 snakes and numerous rats, mice and insects for feeding. The home smelled of feces and urine. I1 called a member of the North Metro Chemical Assessment Team to bring NH3/Ammonia detectors to the scene. Before monitors entered into the home we performed a bump test with the calibration gas on both monitors. Both monitors passed the bump test. Monitors were also calibrated earlier in the day. Readings were taken on all levels of the home. In the entryway readings were monitored at 7ppm of Ammonia however the door had been open the entire time we were there. Upstairs the readings were 10ppm of Ammonia. In the lower level the readings were 20ppm of Ammonia.

Monitors serial # 030-905816 & 030-905818
Cal gas is Ammonia 10ppm and Nitrogen balance
Part# X02 N199CP58VOG6 Mfg. Nov.2010 LOT# LAK-13-10-1

Ammonia
CAS number: 7664-41-7

NIOSH REL: 25 ppm (18 mg/m3) TWA, 35 ppm (27 mg/m3) STEL

Current OSHA PEL: 50 ppm (35 mg/m3) TWA

1989 OSHA PEL: 35 ppm (27 mg/m3) STEL


1993-1994 ACGIH TLV: 25 ppm (17 mg/m3) TWA, 35 ppm (24 mg/m3) STEL



Description of substance: Colorless gas with a pungent, suffocating odor.

LEL: 15% (10% LEL, 15,000 ppm)

Original (SCP) IDLH: 500 ppm

K1 - Person/Entity Involved / K2 - Owner

Name	Type	Business	City	County	State
 Scott C. Nellis	Owner and Occupant		Coon Rapids	Anoka	MN

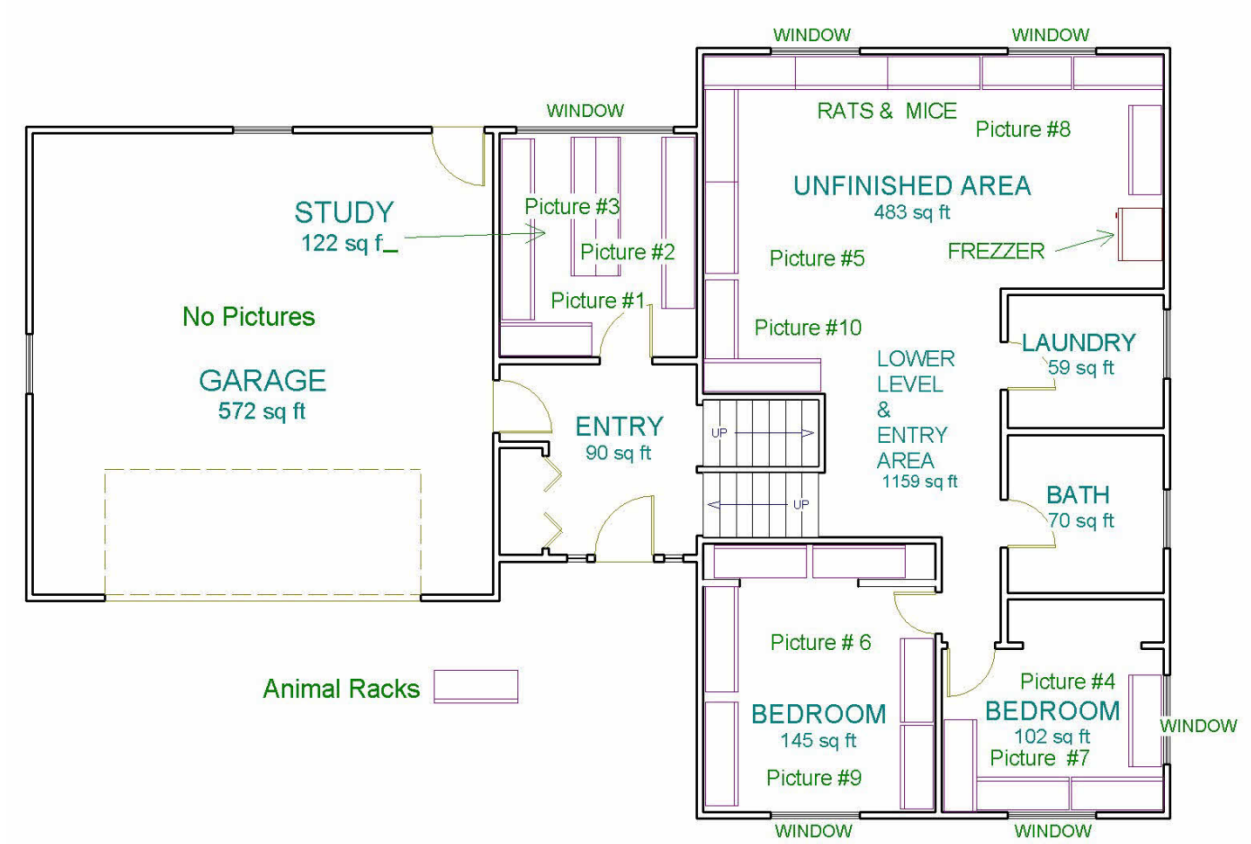
Business Name (if applicable)		Phone Number		Person/Entity Type	
Title	First Name	MI	Last Name	Suffix	
Street Number	Street Prefix	Street or Highway		Street Type	Street Suffix
Post Office Box Apt./Suite/Room					
Favorite Location					
Postal Code					
City	County	State			

M - Authorization

50	Johnston, Aaron (50)	Captain		10/26/11
Officer in Charge	Signature	Position or Rank	Assignment	Date
<input type="checkbox"/> Check to populate Member Making Report.				
60	House, Nicholas (60)	FF	Fire Stati	10/26/2011
Member Making Report	Signature	Position or Rank	Assignment	Date
<input type="checkbox"/> Check to populate Officer in Charge.				

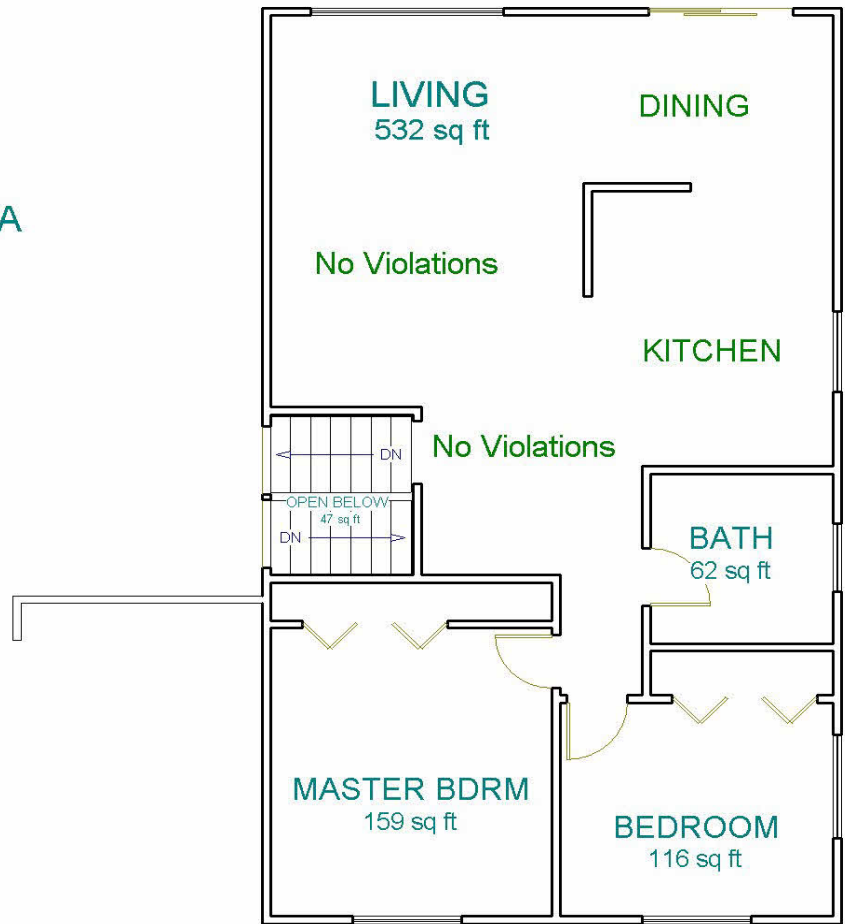
10320 GROUSE ST NW
Dwelling Layout with Picture Location

10/26/2011
10320 Grouse St NW Coon Rapids, MN PIN # 22-31-24-41-0111
Owner: Scott Nellis



Ground (Entryway) and Lower Levels

MAIN LEVEL LIVING AREA
912 sq ft



Main (Upper) Level

Douglas K. Whitney, P.E.
2012

10320 GROUSE ST NW

Pictures

10/26/2011

10320 Grouse St NW Coon Rapids, MN PID # 22-31-24-41-0111

Owner: Scott Nellis



Picture #1 - Room on the ground (entryway) level near the front door.



Picture #2 - Room on the ground (entryway) level near the front door.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW



Picture #3 - Room on the ground (entryway) level near the front door.



Picture #4 - The lower level of the dwelling with two separate areas of snakes and mice.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW



Picture #5 - The cages stacked on top of one another from floor to ceiling (lower level).



Picture #6 - Bins stacked to the ceiling with missing tiles (lower level). Note: blocked heat vent & Herpstat Pro environmental control.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW



Picture #7 - The cages stacked on top of one another from floor to ceiling (lower level).



Picture # 8 - The cages stacked on top of one another from floor to ceiling in the work space (lower level).

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW

Picture # 9 - Extension cords were used in place of permanent wiring (lower level).



Picture #10 - There were various animals located in this room including hissing cockroaches, meal worms and various lizards (lower level).



2/15/2012

Mr. Scott Nellis
10320 Grouse St NW
Coon Rapids, MN 55433

Re: Current Inventory at 10320 Grouse St.

Mr. Nellis,

In the report from Anoka County Humane Officer Keith Streff it was stated that you would be willing to provide the City of Coon Rapids with a list of the current inventory of animals in your dwelling at 10320 Grouse St. NW.

In preparation of your appeal hearing on March 6, 2012 please submit a complete inventory of all snakes, lizards, iguanas, mice and rats. Please include the specie, type (common identifier) age, size and gender of the animals.

We feel finite numbers should be submitted in order to make objective decisions regarding the appeal. Please submit to my attention by March 1st, 2012.

If you have any questions or concerns please contact me I will be happy to assist you.

Sincerely,

Leya Drabczak
Housing Inspector
City of Coon Rapids
763-767-6420
LDrabczak@coonrapidsmn.gov



February 17, 2012

In response to the letter of inquiry from Leya Drabczak, housing inspector for the City of Coon Rapids, regarding my appeal to the city, herein is the current inventory of animals at my house as of Friday, February 17, 2012. I'll be using a generally accepted nomenclature in the industry for counting that separates the sexes of animals as a decimal number. The first number stands for number of males of the species, the second number stands for number of females of the species, and the third number (if included) would stand for the number animals of undetermined sex of the species. As an example, 2.3.8 boas would be 2 male boas, 3 female boas, and 8 boas of undetermined sex.

Snakes.....

Pythons....

Ball pythons (*Python regius*) 18.25 adults and 10.21 juveniles

Spotted pythons (*Antaresia maculosa*) 1.1 juveniles

White lipped pythons (*Liasis albertisi*) 1.1 juveniles

Jungle carpet pythons (*Morelia spilota cheynei*) 1.2 adults and 0.1 juveniles

Coastal carpet pythons (*Morelia spilota mcdowelli*) 2.2 adults and 2.2 juveniles

Savu pythons (*Liasis savuensis*) 2.2 juveniles

Macklot's pythons (*Liasis mackloti*) 0.2 juveniles

Water pythons (*Liasis fuscus*) 1.2 juveniles

Children's pythons (*Antaresia children*) 3.3 adults

Centralian pythons (*Morelia spilota bredli*) 1.1 adults and 2.1 juveniles

Aussie olive pythons (*Liasis olivaceus*) 1.1 adults and 1.1 juveniles

Papuan olive pythons (*Liasis papuanus*) 1.0 juveniles

Woma pythons (*Aspidites ramsayi*) 3.3 adults

Boas....

Argentine boas (*B.c. occidentalis*) 1.2 adults and 3.7 juveniles

Bolivian boas (*B.c. amarali*) 2.1 adults and 0.1 juveniles

Suriname boas (*B.c. constrictor*) 1.1 adults

Columbian boas (*B.c. imperator*) 2.4 adults and 2.1 juveniles
Pearl island boas (*B.c. sabogae*) 1.1 adults
Caulker cay boas (*B.c. imperator*) 2.2 adults
Hog island boas (*B.c. imperator*) 3.3 juveniles
Sonoran boas (*B.c. imperator*) 1.2 adults
Columbian rainbow boas (*Epicrates maurus*) 1.1 juveniles
Brazilian rainbow boas (*Epicrates cenchria cenchria*) 2.0 adults
Dominican boas (*Epicrates striatus*) 1.1 juveniles
Dumeril's boas (*Acrantophis dumerili*) 1.2 adults
Amazon tree boas (*Corallus hortulanus*) 4.4.2 juveniles
Madagascar tree boas (*Sanzinia madagascariensis*) 2.2 juveniles
Kenyan sand boas (*Eryx colubrinus loveridgei*) 2.2 adults and 2.2 juveniles
Rubber boas (*Charina bottae*) 2.2 juveniles
Rosy boas (*Lichanura trivirgata*) 4.4 adults and 1.4 juveniles

Colubrids.....

California king snakes (*Lampropeltus getula californiae*) 11.12 adults and 8.21 juveniles
Florida king snakes (*L.g. floridana*) 4.5 adults and 1.1 juveniles
Blotched king snakes (*L.g. goini*) 1.1 adults
Speckled king snakes (*L.g. holbrooki*) 1.2 adults
Desert king snakes (*L.g. splendid*) 2.3 adults and 1.3 juveniles
Mexican black king snake (*L.g. nigrita*) 1.2 adults and 1.1 juveniles
Prairie king snakes (*L.c. calligaster*) 0.2 juveniles
Variable king snakes (*L. mexicana thayeri*) 1.1 adults and 2.2 juveniles
Honduran milk snakes (*L.triangulum hondurensis*) 2.1 adults and 3.2 juveniles
Sinaloa milk snakes (*L.t.sinaloae*) 1.1 juveniles
Chihuahua mountain king snake (*L. pyromelana knoblochi*) 1.1 juveniles
Texas rat snakes (*Pantherophis obsoleta lindheimeri*) 1.1 juveniles

Corn snakes (*Pantherophis guttata guttata*) 1.0 adults and 3.1 juveniles

Everglades rat snakes (*P. o.rossalleni*) 1.1 juveniles

Baird's rat snakes (*P.bairdi*) 1.1 juveniles

Trans Pecos rat snakes (*Bogertophis subocularis*) 2.3 juveniles

Bull snakes (*Pituophis sayi*) 6.8 adults

Pacific gopher snake (*Pituophis catenifer catenifer*) 1.0 adults

Black pine snakes (*Pituophis melanoleucus lodingi*) 3.0 adults

Southern pine snakes (*P.m. mugitus*) 2.2 adults

Western hognose snakes (*Heterodon nasicus*) 3.2 adults and 3.3 juveniles

Lizards.....

Geckos.....

Madagascar giant day geckos (*Phelsuma madagascariensis grandis*) 4.5 adults

Standing's day gecko (*Phelsuma standing*) 4.0 adults and 0.1 juveniles

Leopard geckos (*Eublepharis macularius*) 16.20 adults

Leachie giant gecko (*Rhacodactylus leachianus*) 1.1.3 juveniles

Neon gecko (*Lygodactylus williamsi*) 1.0 adult

Dwarf monitors.....

Yellow spiny tailed monitors (*Varanus acanthurus*) 1.3 adults

Skinks.....

Northern blue tongue skink (*Tiliqua scincoides intermedia*) 1.0 adults

Rodents.....

Domestic white and hooded rats (*Rattus norvegicus*) 41.72 adults, 0.0.29 weanlings, and approximately 150 babies. These numbers are HIGHLY VARIABLE as I euthanize and feed off or freeze 50-150 rats of various sizes each week and numerous new litters are always being born. The MAXIMUM number of adult rats cannot exceed 42.84, as that's the maximum number my two rack systems will hold.

Domestic white and fancy mice (*Mus musculus*) 7.10 adults and 0.0.12 juveniles

That's it. Totals are as follows.....

Pythons...121

Boas...91

Colubrids...151

Geckos...56

Dwarf monitors...4

Skinks...1

Rats....approximately 292

Mice...29

That's 363 snakes, 61 lizards, and approximately 321 rodents.

As far as ages and sizes go, I don't know all the ages of every single reptile but they range from 1.5 to 15 years old. Their sizes range from approximately 1 foot to maybe 9 feet in length and from a few ounces to about 28 pounds in weight. The largest snake I have is an adult female Argentine boa at about 8-9 feet in length and 28 pounds. The VAST majority of snakes I have are within the 3-5 foot range and weigh anywhere from a pound to 8 pounds.

Just remember the decimal point in my counts, 41.72 adult rats is NOT four thousand one hundred seventy two! It's 41 males and 72 females. Thank you.

1 1 1

Scott Nellis



Board of Adjustment and Appeals - Regular Session

1.

Meeting Date: 02/02/2012

Subject: 12-01V - Scott Nellis, 10320 Grouse St, Appeal Order of Chief Building Official

From: Doug Whitney, Chief Building Official

INTRODUCTION

The property owner, Scott Nellis, is appealing the "unfit for human habitation" posting of the property at 10320 Grouse Street by the Chief Building Official. The subject property is a split entry house with a two-car attached garage located in area zoned Low Density Residential-2. On October 26, 2011, the property was inspected by City staff. Based on that inspection, the subject property was posted as unfit for human habitation under City Code 12-313 because of the excessive number of snakes, mice, rats and lizards, and the unsanitary and unhealthy condition of the dwelling. A copy of the property owner's appeal is attached.

BACKGROUND & CONSIDERATIONS

On October 11, 2011, Leya Drabczak, Coon Rapids Housing Inspector, inspected the backyard of the subject property because a report had been received that a large pile of wood shavings used for animal bedding was being disposed of in the back yard and that a foul smell was coming from the pile. During the inspection, Drabczak observed the same in the backyard of the subject property. An internet search by Drabczak found a website operated by subject property owner listing his snake breeding business. This complaint and inspection led to a request for an administrative search warrant to inspect the interior of the subject premises.

On October 26, 2011, pursuant to the administrative search warrant, the subject premises was inspected by: Leya Drabczak, Housing Inspector; Coon Rapids Police Department members Mike Plankers; Brad Johnson, Greg Koss and Desiree Toninato; Coon Rapids Fire Department members Nick House and Shannon Moen; and State Humane Society Officer Keith Streff.

Upon entering the dwelling and throughout the search, inspectors detected a very strong smell of ammonia. Inspectors' eyes and throats were burning due to the high level of ammonia and it became necessary for inspectors to wear masks for the remainder of the inspection.

Inspectors located a room on the main level near the front door that housed approximately 80 snakes of various sizes and species. (See attached pictures.) Cages had glass fronts with sliding doors and were stacked on top of one another from floor to ceiling. Cages were located around the perimeter of the room and an island of cages stacked from floor to ceiling was made in the center of the room. The walkways between the columns of cages were less than three feet in width. The animals were very active and would strike at the glass as inspectors walked by. The room was dark and the light and ceiling fan could not be turned on because the cages were touching the fixture. Inspectors needed to use flashlights to see what snakes were in the cages. The animals would strike at the glass when lights were shined into their cages. The floor in this room and most floors throughout the dwelling were carpeted.

In the upper level living room, inspectors found three large aquariums with lizards in them. The smell in the upper level of the dwelling was as strong as in the lower and main levels of the dwelling.

The lower level of the dwelling housed two separate areas of snakes and rats. One room had approximately 120 snakes in it of various species and sizes. There were various animals located in this room including hissing

cockroaches, meal worms and various lizards. The cages were located around the perimeter of the room and stacked vertically from floor to ceiling.

A second room the lower level housed various large snakes and mice and rats in cages. The cages were stacked on top of one another from floor to ceiling. The mice and rats were housed on one side of the room and the snakes and reptiles along the other. Inspectors estimated that there were approximately 300 snakes and 400 rats and mice combined in the property as shown in the pictures.

Staff estimated the approximate number of snakes totaled 300 and feeder mice and rats totaled 400. Photographs were taken on site, some of which are included in this report. The property owner did not have a current inventory list. He stated that there are too many animals to keep track of because he buys, sells and breeds continually. The City does not have the resources required to catalog each animal found on site. In the photographs, each of the plastic bins stacked on top of one another houses snakes. Not all of the snakes are visible in the plastic containers in the photographs.

Coon Rapids Fire Department conducted an inspection of the air quality in the subject dwelling. The dwelling contained a strong smell of urine and feces and a member of the North Metro Chemical Assessment Team was called to bring NH₃/Ammonia detectors to the scene. The doors of the dwelling had been left open in order to air out the air in the dwelling. Fire Department staff entered the dwelling with half face respirators. The reported levels of ammonia gas were elevated and higher than what is normally found in the habitable space of a typical dwelling. The report describes ammonia as a colorless gas with a strong, suffocating odor. Prolonged exposure to high levels of ammonia may contribute to health issues of the occupants of the subject premises.

It is my determination that a residence like the subject dwelling is not designed to be used in the manner the property owner is currently using it as none of the rooms that housed the snakes and other animals had either adequate sanitation or ventilation. For example, the floors were not made of a smooth, hard, nonabsorbent surface that extends upward onto the walls at least 6 inches. The walls adjacent to the cages also did not consist of a smooth, hard, nonabsorbent surface to the top of the cages.

It is also my determination that the structural framing in a typical residential dwelling is not designed to support the many rows of cages that the subject dwelling contains. Residential occupancies are designed for a live load of 30 pounds per square foot in bedrooms and live load of 40 pounds per square foot in all other rooms. Storage areas shall be designed for a minimum 125 pounds per square foot for light (weight) storage. Homes in general are designed as a place where one lives - a residence. A dwelling is defined by the International Building Code as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single family dwelling is not designed to support the loads associated with the keeping of snakes or other animals as found in the subject dwelling.

Additionally, I find that there were an insufficient number of electrical receptacles (outlets) to serve the dwelling as evidenced by the extensive use of extension cords in the dwelling.

As additional information, the property owner received Administrative Citation # 45839-19955 for the debris in the backyard, including animal feces and bedding. A separate Administrative Citation # 45839-19945 was issued for the removal of the prohibited snakes. A compliance date of 11/06/2011 was given.

Dwelling unfit for human habitation determination

Subpart 1, Purpose, of Part 1300.0030 of the Minnesota State Building Code reads:

The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Part 1300.0180, Unsafe Buildings or Structures, of the same code, provides the following:

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action. All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, Sections 463.15 to 463.26.

This provision is not only for the health and safety of building occupants but for safety to fire fighters and emergency responders during emergency operations as well. Homes are not designed or equipped to accommodate the number of snakes, mice, rats and lizards present in the subject dwelling.

The conditions of the subject structure that led to the determination of the building being classified as Unfit for Human Habitation (City Code Section 12-313), and an Unsafe Building or Structure (Part 1300.0180 of the Minnesota State Building Code) and the issuance of the Compliance Order (City Code Section 12-315) include:

- Dwelling is not structurally designed to support the many rows of cages as present in the structure.
- Dwelling is not provided with the mechanical and ventilation systems needed to keep and care for the numerous snakes, lizards, rodents and insects present in the structure.
- The air quality is well above any acceptable limits.
- The wall and floors are not of smooth, hard, nonabsorbent surfaces needed to provide sanitary conditions.
- There is no sanitary method of storing food or disposing of waste.
- The overall excessive storage present in the structure creates a hazard for fire fighters and emergency responders during emergency operations.
- The use of extension cords is a noncompliant condition and whether energized or not, is proximately dangerous to human life and property.
- Section 301.14 of the 2006 International Fuel Gas Code requires all buildings or structures and the walls enclosing habitable or occupiable rooms and spaces in which persons live, sleep or work, or in which feed, food or foodstuffs are stored, prepared, processed, served or sold, shall be constructed to protect against rodents in accordance with the Building Code.

The Compliance Order, dated November 30, 2011, ordered the property owner to correct the conditions within 45 days by:

- Completely remove all the snakes, lizards, rodents and insects from the property.
- Remove all items related to the keeping of the snakes, lizards, rodents and insects, and waste and debris.
- Provide a satisfactory air quality report.

Staff did not post the dwelling as uninhabitable as no children or vulnerable adults reside in the dwelling. Staff concluded it was in the best interest of the animals to have a caretaker on site. Coon Rapids Fire Department placed this address on the Anoka County Dispatch list to use special care upon entering this home in the event of a fire or medical emergency.

ACTION REQUESTED

In case 12-01V, staff requests the Board of Adjustment and Appeals uphold the Building Unfit for Human Habitation (12-313) and Unsafe Buildings or Structures (1300.0180) Compliance Order (12-315) of the Chief Building Official dated November 30, 2011.

Attachments

Pictures

Compliance Orders

Owner's Appeal

10320 GROUSE ST NW Pictures

10/26/2011

10320 Grouse St NW Coon Rapids, MN PID # 22-31-24-41-0111

Owner: Scott Nellis



Room on the main level near the front door.



Room on the main level near the front door.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW



Room on the main level near the front door.



The lower level of the dwelling with two separate areas of snakes and mice.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW



The cages stacked on top of one another from floor to ceiling.



Bins stacked to the ceiling with missing tiles.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW



The cages stacked on top of one another from floor to ceiling.



The cages stacked on top of one another from floor to ceiling in the work space.

SUBJECT:
DATE: 10/26/2011

10320 Grouse St NW

Extension cords were used in place of permanent wiring.



There were various animals located in this room including hissing cockroaches, meal worms and various lizards.

11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov



**BUILDING UNFIT FOR
HUMAN HABITATION (12-313)
UNSAFE BUILDINGS or
STRUCTURES. (1300.0180)
COMPLIANCE ORDER (12-315)**

November 30, 2011

NELLIS SCOTT C
10320 GROUSE ST NW
COON RAPIDS, MN 55433

Re: Your property at 10320 Grouse ST NW

Dear Mr. Nellis:

Please take **NOTICE** pursuant to City Code §12-313 and Minnesota Rules §1300.0180 that on January 17, 2012 your property at 10320 Grouse ST NW will be posted as unfit for human habitation. Based on the conditions in the home, described in more detail below, I hereby find that continued occupancy poses an immediate threat to health and safety. Please be advised that you have the right to appeal this determination by filing a written appeal within 10 days. An appeal form is attached for your convenience. If you file a written appeal the appeal will be scheduled before the Board of Adjustment and Appeals.

COMPLIANCE ORDER

Pursuant to City Code §12-315(2) I have determined that the home fails to meet the minimum requirements of City Code. The conditions that led to this determination from an inspection of the home on October 26, 2011 are:

- The home is filled with snakes, lizards, rodents and insects.
- The home does not have adequate sanitation facilities for keeping of the snakes, lizards, rodents and insects.
- The home does not have an adequate ventilation system for keeping of the snakes, lizards, rodents and insects.

Based on these conditions you are hereby **ORDERED** to correct the conditions by completing the following within 45 days:

- Completely remove the all the snakes, lizards, rodents and insects from the property.
- Remove all items related to the keeping the snakes, lizards, rodents and insects, and waste and debris.

- Provide a satisfactory air quality report.

The home will continue to be posted as unfit for human habitation unless all of the requirements above have been met. If you believe that this order is based on an erroneous interpretation of City Code, State or Federal law, you may appeal the order by filing a written appeal within ten days. You may use the appeal form attached to this Order.

While this Order is pending you may not transfer ownership of the property unless you provide a copy of this Order to the party to whom the transfer is made and notify the City prior to the transfer.

EXECUTION OF THIS ORDER

If you do not appeal the order, if you do not prevail on appeal, and if you do not comply with the conditions of the Order, the matter will be scheduled for a hearing before the City Council, at which hearing the City Council may remedy the conditions described above by hiring a contractor of the City's choosing and specially assess the costs of all repairs, staff time and administrative costs against the real estate. You will be given at least 10 days notice of the hearing before the City Council.

If you cannot afford to remedy the conditions described and wish to take care of the matter as soon as possible you may agree to have the City contract for the work and assess the costs against the real estate as a special assessment. If you choose to do so, a written agreement will be prepared for your signature. Please contact me if you wish to enter into such an agreement.

Lastly, please be advised that failing to comply with this Order or appeal within the time prescribed may be charged as a misdemeanor criminal offense.

We have received your appeal and this Order is pending.

Respectfully,



Douglas K. Whitney, P.E.
Chief Building Official, City of Coon Rapids

1300.0030 PURPOSE AND APPLICATION.

Subpart 1. **Purpose.** The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action. All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

APPLICATION FOR APPEAL TO BOARD OF ADJUSTMENT AND APPEALS

FOR INTERNAL USE ONLY:

CASE NUMBER _____

DATE FILED _____

APPEAL SET FOR _____

This form must be received at City Hall by 4:30 on 12.10.2011 for this appeal to be considered. (Being postmarked by this date is not adequate.)

NO DATE FILLED IN!

APPLICANT SCOTT NELLIS

ADDRESS 10320 GROUSE ST. NW

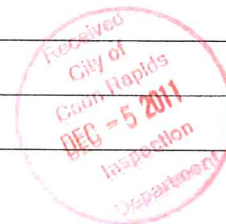
CITY/ST/ZIP COON RAPIDS, MN 55433 PHONE 763-757-9766

I/We hereby appeal the interpretation of the Compliance Official concerning:

BUILDING UNFIT FOR HUMAN HABITATION (12-313) AND ALSO CITATIONS
45839-19945 AND # 45839-19955 FOR WHICH I HAVE ALREADY FILED APPEALS

The grounds for filing this appeal are specified below (attach additional pages as necessary):

SEE ATTACHED PAGES



Signature _____

12.5.2011
Date

December 5, 2011

Appeal to letter dated November 30, 2011 concerning "Building unfit for human habitation (12-313)" code and compliance.

I would like to appeal this decision by the City of Coon Rapids point by point.

- 1) "The home is filled with snakes, lizards, rodents and insects." Yes, it is. And every one of those snakes, lizards, rodents and insects are caged in industry designed and approved caging with proper heat, water and humidity levels appropriate to the species. The rodents are raised as feed animals for the snakes and the insects are raised as feed for the lizards. The insects are NOT classified as pest insects and are very commonly raised as food items for reptiles. There are NO free ranging animals in my house (except for 2 cats) and my house is NOT infested with any type of insects or animals. An infestation would imply pests that are free roaming throughout the house. This is NOT the case here.
- 2) "The home does not have adequate sanitation facilities for the keeping of the snakes, lizards, rodents and insects." On the contrary, it does. There is a working bathroom downstairs with a flush toilet for feces and I DO have an approved garbage hauler to haul away soiled litter.
- 3) "The home does not have an adequate ventilation system for keeping of the snakes, lizards, rodents and insects." It is of my opinion that the ventilation IS adequate. This house was built in 1975 and as such, it is not sealed tightly like new homes built today. Snakes, lizards and insects actually do poorly in over ventilated areas because of temperature variances and possible drafts. I do agree that rodents fare better with increased ventilation to a point. They also need a constant temperature to thrive. This issue is addressed further down in my appeal.

I would also like to appeal the compliance ORDERS given to me in the letter from The City of Coon Rapids as follows...

- 1) "Completely remove all the snakes, lizards, rodents and insects from the property." First, I have NOWHERE to move them to. Moving them would be an extreme financial and emotional hardship on me. Moving the reptiles during Winter WILL be harmful to them and could result in their deaths. NO city codes are being broken by my keeping of reptiles, rodents and insects (except for the definition of non-domestic animals given to some harmless species of snakes....to which I have previously appealed).
- 2) "Remove all items related to the keeping the snakes, lizards, rodents and insects, and waste and debris." Excuse me, but how are keeping inanimate objects and supplies breaking ANY city codes anywhere in the nation? This is just plain ludicrous. I have several thousand dollars tied up in equipment and supplies. Also, waste and debris ARE removed on a weekly basis with my garbage hauler. No problem there.
- 3) "Provide a satisfactory air quality report." Okay, I believe that this is the sole reason for the compliance order and I have several points to make about it.

- A) On October 26, 2011 when my house was raided, an air quality test was done inside. I was escorted outside while this test was done. I have NO idea how or where the air sample was tested. For all I know, they could have stuck the testing device inside a soiled caged to garner a higher pollutant reading. I was NOT present for the testing procedure.
- B) In the month of October I was on the road for three weekends vending at reptile expos in Omaha Nebraska (Oct 1-2), Chicago Illinois (Oct 7-9), and Plymouth Minnesota (Oct 23). Consequently, I didn't keep up with my regular cleaning schedule with the rodents. Part of this was from time constraints of doing the reptile expos, and admittedly, just plain laziness on my part. That's why on October 26, you probably got a bad air quality report.
- C) Since October 26, 2011 I have redoubled my cleaning efforts and am proud to say that there are NO air quality issues in my house at this time.
- D) Any issues with indoor air quality at my house can be almost exclusively attributed to the keeping of rodents. Snakes, lizards and insects are for the most part, odorless. Snake feces do have an offensive smell, but they only defecate on average, once a week and I spot clean the cages on a regular basis with a total cage cleaning when necessary.
- E) I don't know what pollutants your air quality test found, but I would suspect it was ammonia. Ammonia is an irritant, but NOT a carcinogen like tobacco smoke. I have to ask myself, why aren't you testing the indoor air quality of smokers? I would think that the levels of harmful chemicals in the air would warrant their houses uninhabitable also. As such, I believe I'm being unfairly singled out for what is a TEMPORARY problem. As I stated in paragraph C, the air quality issues at my house have been fixed.

My proposed solution to this compliance order is as follows...I will keep up on the maintenance and cleaning of all my reptile, rodents, and insects to keep air quality issues at safe levels. If that is unacceptable, I can possibly reduce the number of rats I keep as they are the main culprit of air quality issues.

If my proposals are unacceptable to the City, then I have no recourse other than to take the matter up in a Minnesota court of law. This entire action brought on by the City of Coon Rapids has caused me untold stress and anguish. I've lost weight and lost sleep stressing out over the possible loss of my hobby/business that I am passionate about. The United States Constitution guarantees us "...life, liberty, and the PURSUIT OF HAPPINESS..." Raising reptiles is MY pursuit of happiness.

Scott Nellis

1 1 1

December 5, 2011

**COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF
FEBRUARY 2, 2012**

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Wessling at 6:30 p.m. on Thursday, February 2, 2012, in the Council Chambers.

Members Present: Chairman Gary Wessling, Commissioners Jeanette Rosand, Teri Spano-Madden, and Trish Thorup

Members Absent: Commissioner Vande Linde

Staff Present: Housing and Zoning Coordinator Cheryl Bennett, Assistant City Attorney David Brodie, Chief Building Official Doug Whitney, Housing Inspector Leya Drabczak, Fire Inspector Nick House, Patrol Officer Interna Kim

1. CALL TO ORDER

Chairman Wessling called the meeting to order at 6:30 p.m.

2. APPROVE FEBRUARY 2, 2012 AGENDA

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO ADOPT THE FEBRUARY 2, 2012, AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

3. APPROVE DECEMBER 1, 2011, MEETING MINUTES

Commissioner Thorup requested the following corrections:

Page 3, last paragraph: "within a half mile of Coon ~~Raids~~ Rapids Boulevard."

Page 4, fifth paragraph: "...if they have adequate access..."

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, TO APPROVE THE DECEMBER 1, 2011, MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

4. CASE 12-01V – SCOTT NELLIS – 10320 GROUSE STREET – APPEAL ORDER OF CHIEF BUILDING OFFICIAL

Chairman Wessling reviewed the background on the case. He asked staff for comments.

Chief Building Official Whitney had no additional comments and offered to answer questions. Chairman Wessling confirmed that the property is zoned for residential use. He asked if it is licensed for business and if it could legally be operating as a business. Chief Building Official Whitney stated that this is a home occupation that is not currently legal.

Housing and Zoning Coordinator Bennett added that there are certain types of home businesses that can operate without a separate city license or permit. She explained that one determining

factor for operating a home business is that the residential character of the property must be maintained.

Chairman Wessling asked Mr. Nellis to address his concerns.

Scott Nellis, 10320 Grouse Street, provided a written statement to the Board. He explained that this is a rebuttal.

Chairman Wessling advised Mr. Nellis that he had five minutes to address the Board.

Mr. Nellis stated that he has reviewed the city code regarding home businesses. He noted that he does not have customers coming to the house. He explained that most of his business is done out-of-state at business expos and through some internet sales. He stated that his house does not appear different from the neighbors from the outside. Chairman Wessling stated that a neighbor complained which is why there is an issue.

Mr. Nellis stated that the complaint came about because of odor from cedar shavings from rat cages that was being used as garden fertilizer. He reviewed that this is allowed by code and is considered manure. He commented that his neighbors know about his business and have otherwise not had any complaints. He reported that he has reduced the number of rodents on hand and increased the frequency of cleanings on the property. He noted that he now uses his trash for waste. He added that the odor has been reduced. He explained that ammonia levels have been reduced. He reported that he does not have equipment to test the odor.

Chairman Wessling asked what standards Mr. Nellis is going by to determine that the odor is reduced. Mr. Nellis asked that if his air quality is to be monitored, would the homes of smokers also be monitored. He stated that in this situation he would be considered to be singled out.

Chairman Wessling stated that there is a fire safety issue due to the rows of cages. Mr. Nellis stated that a majority of the cages are located in the basement. He explained that no one resides in the basement. He reported that he weighed the cages which do not exceed the 40 pounds per square foot limit that Chief Building Official Whitney detailed for him. He stated that he uses industry-approved cages. He stated that a refrigerator would weigh more than his cages. He stated that a fish tank would weigh more in a smaller footprint. He stated that as far as doing illegal activity in his house, it should only be his concern as to what happens in the privacy of his home. He added that there are privacy laws.

Chairman Wessling stated several items were listed as concerns.

Mr. Nellis stated that this is his hobby which should not be a concern. He stated that many people have hobbies that take up a lot of space in their homes. He stated that he does not have a garbage house. He explained that he has a friend who lives with him and they have duplicates of some appliances and that there are some boxes around the house. He noted that in three to four months he will be moving items into his storage unit to alleviate some of the crowding. He stated that the animals are kept around the perimeter of the rooms and not throughout the floor area. He noted that the room off the entry has two aisles formed by cages but that it is not a walk-through room. He noted that he keeps the door closed to this room.

Commissioner Spano-Madden asked how the non-smooth surfaces of the Building Officials report have been addressed. Mr. Nellis stated that the two rooms where the reptiles are kept have carpet in them. They have painted wallboard and "popcorn" ceilings. He explained that the reptiles are caged and do not get out to defecate on the carpet. He explained that people with dogs have issues with them defecating on the carpet which is a worse situation than he is dealing with. He noted that when cleaning the cages he moves the reptiles to another container. He reported that his home is not a public place and customers are not coming into it. He stated that it is his residence and he should not be required to conform to commercial codes.

Chairman Wessling stated that businesses need to be licensed and have permits. Mr. Nellis stated that he checked with the state in 2007 on the codes. He added that he is registered and licensed with the state. He stated that has a sales tax number. He reported he is paying sales taxes and income taxes related to the business.

Commissioner Rosand asked how long Mr. Nellis has had his business. Mr. Nellis stated that in 2007 he decided to expand his hobby into a business. He explained that at that time he checked on city codes and filed with the state.

Commissioner Rosand asked how many reptiles were on the property in October of 2011. Mr. Nellis stated that the friend who lives with him had owned 45 reptiles and sold them off at a significant loss because she was scared about the city's inquiry. He stated that he had 390 reptiles with the majority of them being under two feet in length.

Commissioner Rosand stated that the city requires a license for cats and dogs over a quantity of three per household. Mr. Nellis stated that he checked on this and that a license is not required for reptiles. He added that he would apply for a license for this but one is not available.

Chairman Wessling asked about the structural findings. Chief Building Official Whitney stated that a certain amount of open space is expected within a home. He stated that the issue is not hoarding but that typical household items like a couch, coffee tables, or TV are not found there. He stated that an expectation is that fire crews would be able to get in and out of the house.

Fire Inspector House stated that there is open space downstairs but on the mid-floor level, where there are a lot of cages, the windows are blocked limiting access to an exit. He stated that in the basement and mid-floor levels the plastic containers increase the normal fire load per occupancy which would make it more dangerous to do a search in case of a fire. He explained that if the house was full of smoke, the firefighters would not be able to crawl through it and find their way in their bulky gear.

Chairman Wessling confirmed that some windows are blocked with cages. Fire Inspector House stated that there are cages blocking windows and the outer perimeter in the main room. He explained that there are cages in the middle of this room which is blocking egress out of the room.

Chairman Wessling confirmed that the cages would be a fire hazard. Fire Inspector House stated that annual inspections which are performed for businesses would find the cages to be a hazard. He explained that there are extensive use of extension cords and additional heaters creating

further hazards. He reviewed that half-mask face respirators needed to be worn when they initially inspected the property. He commented that in the past they have found that the odor permeates the carpet and surroundings.

Chairman Wessling asked if the fumes are flammable. Fire Inspector House stated that he is not a hazmat expert. He explained that ammonia levels are regulated for a nine-to-five job site, which is what they were measuring on the basement and middle floors. He reviewed that the hazmat team did an inspection and found the odor at the threshold of the daily allowable limit. He stated that the average person should likely not be living in this environment 24 hours a day.

Chairman Wessling asked if there is special air ventilation. Fire Inspector House stated that they did not find a separate air quality system.

Chairman Wessling asked if owning snakes is against code. Chief Building Official Whitney stated that the issue is whether there are items found typically in a house or business. He explained that the Humane Society and others that keep animals have an environment that is designed by architects and engineers so that ventilation, proper outlets, smooth cleanable surfaces and sinks are provided. He stated that ventilation is set up so that air is not recirculating. He explained that waste disposal and storage cabinets are typically built in. He stated that extra heaters, electric cords and limited air circulation are at issue.

Commissioner Thorup asked if Mr. Nellis could lease property from an agricultural property owner with an outbuilding that could be used for this purpose and suggested that a hobby farm could be an alternative. She asked if this would provide the setting that is needed and be an option within the statute. Chief Building Official Whitney stated that agriculture buildings are exempt from code enforcement and this would be an alternative.

Chairman Wessling stated that the Commission will discuss the case amongst themselves now.

Mr. Nellis asked if he has an opportunity to give a rebuttal. Chairman Wessling stated that all of the information has been presented already.

Commissioner Thorup stated that homeowners are bound by city ordinances. She explained that Code 6-500 refers to the keeping of nondomestic animals, which includes cobras and boas. She stated that the city is bound by these codes.

Commissioner Rosand stated that the homeowner is saying that the air quality is improved. She requested that an official report of this be presented as the homeowner is living there.

Commissioner Thorup stated that there are fire hazards at the property.

Commissioner Rosand stated that if firefighters are called they expect to be entering a typical home and not a pet store environment.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, IN CASE 12-01V, THE BOARD OF ADJUSTMENT AND APPEALS UPHOLDS THE BUILDING UNFIT FOR HUMAN HABITATION (12-313) AND UNSAFE BUILDINGS OR

STRUCTURES (1300.0180) COMPLIANCE ORDER (12-315) OF THE CHIEF BUILDING OFFICIAL DATED NOVEMBER 30, 2011.

THE MOTION PASSED UNANIMOUSLY.

Chairman Wessling stated that staff requirements were being upheld and asked Mr. Nellis to speak with staff if he had any questions.

5. ADJOURNMENT

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, TO ADJOURN THE MEETING AT 7:08 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Beth Bostrom
Board of Adjustment and Appeals Secretary

This is in response to the letter from Doug Whitney, Chief Building Official, stating his reasons to pronounce my house "unfit for human habitation". I'll try to address each charge point by point.

The room off the main level contains 20 – 3' cages resting on wire shelves that are secured to two walls by brackets that are hooked into uprights that are hung from a horizontal load bearing bracket that are secured to the wall studs. The uprights are also screwed in the wall studs along their vertical length. None of those cages rests on the floor. Each cage weighs 19.5 lbs with a filled water bowl weighing 9 lbs and the average weight of the snake and bedding being maybe 10 lbs. That's a total of 38.5 lbs/cage on average. One wall has 16 cages, totaling 616 lbs. Add maybe 40 lbs for the wire shelves/brackets and the total is 656 lbs over 12' of wall. That's 54.7 lbs/linear foot on a NON-load bearing wall. The other wall has 4 cages weighing 154 lbs plus maybe 15 lbs of brackets totaling 169 lbs spread over 3' of wall, or 56.3 lbs/linear foot. This is also on a NON-load bearing wall.

The third side of the room has a bank of 24 – 2' PVC cages resting on a platform on the floor. This platform is 96" X 13.5" covering 9 sq ft. Using the load data supplied by Mr. Whitney of 40 lbs/sq ft, the maximum allowable weight of this bank of cages would be 360 lbs. I weighed one cage with snake, bedding and water bowl included and it weighed 11 lbs. So, all 24 cages on that bank would weigh 264 lbs with the platform base weighing maybe another 25 bringing the total up to 289 lbs....WELL within the weight limit.

The center island is 8'6" X 30" covering 21.25 sq ft. On average, each 2' cage there weighs 13.5 lbs with snake, bedding and water bowl included. There are 48 cages on the center island, NOT ALL OF THEM are being used so therefore, would weigh less than 13.5 lbs. At any rate, the 48 cages would weigh 648 lbs with the supporting framework weighing maybe 180 lbs for a total of 828 lbs spread out over 21.25 sq ft. That comes to 39 lbs/sq ft. That is also within code limits

In summary, the room off the entry is NOT in violation of any codes pertaining to weight limitations. My refrigerator (that came with the house when I bought it) covers 5.78 sq ft and shouldn't weigh more than 231 lbs by code. I have no idea what it weighs. How many of you have bookshelves at home. Anyone want to guess what they weigh when loaded with books? Many people have aquariums. A popular 55 gallon model would cover 4.33 sq ft. and weigh over 500 lbs when filled. That's over 115 lbs/sq ft.

The ceiling fan did not work because it is NOT hooked up to the wall switch. It came that way when I bought the house. It turns on by a pull chain. It is also NOT touching the top of the center island of cages. There is at least 2-3" clearance. Because of the room fan, there is no central ceiling light. Lighting is provided by two lamps at opposite ends of the room.

The walkways around the room are 28" wide. The snakes were striking at the cage fronts because OF the flashlights. Shining lights into their faces will startle them and elicit a strike.

Moving downstairs, the load limit of 125 lbs/sq ft. is never exceeded as the footprints of the various rack systems are 2.16, 2.40, 3.00, and 4.25 sq ft, which works out to load limits of 270, 300, 375, and 531 lbs/sq ft. I can move these racks unassisted by hand so I'm pretty sure they aren't close to the maximum allowable weight limits. This is my basement. It has a poured concrete floor.

There are some extension cords in use in my basement simply because there are no outlets in the vicinity of some of the cages. The cords in use are 16 gauge grounded types. I plan on installing addition outlets in the future to address the problem. There are at least 3 unused slots available in my breaker box to do so. It should be noted that all the rack systems are hooked up to high quality proportional thermostats that include internal circuit breakers

As to wall and floor surfaces, all the rooms with reptiles are covered in painted wallboard with carpeting and either a wallboard ceiling or acoustic tile ceilings. That would seem to stand up to the “smooth, hard, non-absorbent surface” requirement for the walls. The floors are carpeted and are vacuumed and spot cleaned (if necessary) on a regular basis.

I'd like to comment on a few of the "bullet" points stated in Mr. Whitney's letter to me that I haven't covered yet.

“There is no sanitary method of storing food or disposing of waste.” On the contrary, the only food items stored in the basement are bags of rodent chow to feed the rodents. I don’t have more than 10 bags stacked up at any one time and the bags are made in way that includes a plastic layer in between the paper to keep the chow fresh and insects out. ALL waste is disposed of in a timely manner with my garbage hauler. I was using soiled rodent litter as manure in my garden this last summer, but since that’s what started this entire complaint, I no longer do so.

I've tried to address all the points made in the complaint and would like to add that this is my private home. It is not a business open to the public. I do business mainly by attending reptile expos and the occasional Internet sale. As a rule, people DO NOT come over to my house to buy reptiles. On occasion, I will have friends over that may buy something, but that is far and few between. This is my house and home that I thought I was free to do anything that is legal. I haven't broken any laws or codes, with the exception of the change to Coon Rapids code concerning "non-domestic" animals that was changed without my knowledge in July 2010...and to which I have filed an appeal. I feel that I'm being singled out because of the general fear and loathing most people have against reptiles. This is America, the land of the free. I should be free to choose what legal hobbies I wish to pursue. I am more than happy to comply with any complaints about sanitation and storage problems, just don't ask me to give up my reptiles.

2-2-12

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77. "v v v"

SCOTT NELLIS

STATE OF MINNESOTA

CITY COUNCIL

COUNTY OF ANOKA

CITY OF COON RAPIDS

IN THE MATTER OF THE APPEAL OF THE DECISION OF THE BOARD OF ADJUSTMENT AND APPEALS REGARDING AN ORDER OF THE CHIEF BUILDING OFFICIAL CONCERNING THE HABITABILITY OF THE RESIDENTIAL STRUCTURE AT 10320 GROUSE STREET, COON RAPIDS, ANOKA COUNTY, MINNESOTA; SCOTT NELLIS, APPELLANT

CASE 12-01V

STATEMENT OF FINDINGS

This matter came before the Coon Rapids City Council on March 6, 2012.

Based upon the testimonies received and upon all other information brought before the Council, the Council hereby denies the appeal and upholds the decision of the Board of Adjustment and Appeals based on the following findings:

1. On October 18, 2011, City Code Enforcement officials received a call from a known confidential reporting party reporting a large pile of wood shavings from animal cages in the rear yard of the above subject property and that there was a strong and foul odor coming from the shavings. The reporting party stated that Mr. Nellis told the reporting party that he breeds and snakes and has approximately 100 snakes in the residence and that he breeds rats to feed the snakes. The reporting party also reported a strong smell of feces coming from the residence during a conversation with Mr. Nellis at his front door.
2. On October 19, 2011, City Housing Inspector Leya Drabczak inspected the rear yard at 10320 Grouse Greet and observed two mounds of wood shavings in the rear yard. Housing Inspector Drabczak reported a pungent smell coming from the mounds and that she could detect the smell while standing on a neighboring property.
3. On October 20, 2011, City Housing Inspector Drabczak searched the internet and found the website snsnares.com that reportedly belongs to Mr. Nellis. The website stated that Mr. Nellis breeds and offers snakes for sale, including snake varieties that, if found to be true, would constitute a violation of City Code Chapter 6-500, Non-domestic Animals.

4. On October 25, 2011, based upon the information above, the City obtained an Administrative Search Warrant to inspect the premises at 10320 Grouse Street, Scott Nellis, property owner.
5. On October 26, 2011, the Administrative Search Warrant was executed and the property inspected by Coon Rapids Housing Inspector Leya Drabczak; Coon Rapids Police Department members Mike Plankers, Brad Johnson, Greg Koss and Desiree Toninato; Coon Rapids Fire Department members Nick House and Shannon Moen and State Humane Society Officer Keith Streff. All information regarding this inspection, including photographs, was provided to Chief Building Official Douglas Whitney.
6. Based on information provided him, Chief Building Official Whitney made the following determinations regarding code deficiencies:
 - a. The 2007 State Building Code, Section 1300.0030 Purpose and Application., Subpart 1. Purpose., states that the *purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.* Further, Section 1300.0180, Unsafe Buildings or Structures., provides that the *building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action.* Chief Building Official Whitney has determined that these provisions are not only intended to safeguard the health and safety of the building occupants but also to safeguard fire fighters and other emergency responders who might enter the building during emergency operations as well. It is his determination that this residential structure is not designed or equipped to accommodate the number of snakes, rodents and lizards found in the dwelling on the subject property.
 - b. The Minnesota State Building Code 2006, IBC Section 1203.4.2, Contaminants Exhausted., reads, *Contaminant sources in naturally ventilated spaces shall be removed in accordance with the International Mechanical Code and the International Fire Code.* Further, the State Building Code references the International Mechanical Code, Section 403, Mechanical Ventilation, Ventilations Systems., which reads, *Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust*

air. The system shall not be prohibited from producing negative or positive pressure. Ventilation supply systems shall be designed to deliver the required rate of supply air to the occupied zone within an occupied space. The minimum ventilation rate of outdoor air shall be determined in accordance with Section 403.3. Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design. Section 510, Hazardous Exhaust Systems., of the International Mechanical Code provides the following regulations: Section 510.1 General.: *This section shall govern the design and construction of duct systems for hazardous exhaust and shall determine where such systems are required. Hazardous exhaust systems are systems designed to capture and control hazardous emissions generated from product handling or processes, and convey those emissions to the outdoors;* and Section 510.4, Independent System.: *Contaminated air shall not be recirculated to occupied areas unless the contaminants have been removed.* The North Metro Chemical Assessment Team found the level of NH₃/Ammonia to be 10 parts per million (ppm) on the upper level and 20 ppm in the lower level of the home. The OR-OSHA Permissible Exposure Limit (PEL) for NH₃ is 25 ppm at an eight-hour Time Weighted Average. The liquid or gas may cause severe irritation and/or burns to the eyes, nose, throat and skin. Ammonia has an odor threshold of 1 - 2 ppm. Chief Building Official Doug Whitney has determined that the construction of this residential dwelling is not designed to be used in the manner currently being used by the property owner as none of the rooms that house snakes and other animals has either adequate sanitation or adequate ventilation. Specifically, the floors were not made of smooth, hard, nonabsorbent surfaces that extend upward onto the wall at least 6 inches. The wall surfaces adjacent to the cages do not consist of smooth, hard, nonabsorbent surfaces to the level of the top of the cages. Materials like wood, carpet and drywall will not only absorb spills, but also absorb odors and gasses.

- c. Coon Rapids Revised City Code - 1982, Section 12-307, Subsection 7, Electrical Service in Dwellings., reads: *Every dwelling unit and all public and common areas must be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, maintained in safe*

and good working condition in compliance with the edition of the National Electric Code in effect as of the date of construction or improvements thereto, and connected to a source of electric power in a manner prescribed by State and local laws, ordinances, rules, and regulations. The National Electrical Code (NEC), NEC Article 400, Flexible Cords and Cables, Section 400.1, General., covers general requirements, applications and construction specifications for flexible cords and flexible cables. Section 400.8, Uses Not Permitted., reads, *Flexible cords and cables shall not be used for the following: (1) As a substitute for the fixed wiring of a structure. (2) Where run through holes in walls, structural ceilings, suspended ceilings, dropped ceilings, or floors. (3) Where run through doorways, windows, or similar openings. (4) Where attached to building surfaces. (5) Where concealed by walls, floors, or ceilings or located above suspended or dropped ceilings.* It is the determination of the Chief Building Official that extension cords used in the residential dwelling on the subject property do not comply with these codes. Extension cords require ventilation to prevent build up of heat. If used inside a wall or enclosed space, heat, over time, will cause the outer jacket of cords to dry out and crack, exposing bare wires. This condition creates a potential point for electrical shorting of the wires, causing a spark, and the potential for a dangerous fire. Extension cords are intended to be used only for short periods of time.

7. It is the determination of the Chief Building Official that the residential structure on the subject property be classified as unfit for human habitation. The conditions of the subject structure that led to the determination that the structure be classified as Unfit for Human Habitation (Coon Rapids Revised City Code – 1982 Section 12-313) and as an Unsafe Building or Structure (Part 1300.0180 of the Minnesota State Building Code), and to the issuance of the Compliance Order in accordance Coon Rapids Revised City Code – Section 12-315, include:
 - a. The dwelling is not provided with mechanical and ventilation systems needed to keep and care for the number of snakes, rodents and lizards present in the structure.
 - b. The air contaminants are well above any acceptable limits.
 - c. The wall and floor surfaces do not consist of smooth, hard, nonabsorbent surfaces needed to provide for sanitary conditions.

- d. The excessive storage present in the structure creates a hazard for fire fighters and emergency responders during emergency operations.
 - e. The windows that fire department personnel would use during emergency operations are blocked and limit access into and out of the structure.
 - f. The use of extension cords is a noncompliant condition and, whether energized or not, creates conditions dangerous to human safety and property. When used as a substitute for fixed wiring, as currently used in the subject residence, they present hazards for both electrical shock and fire.
- 8. Based on these findings, Chief Building Official Doug Whitney determined that the residential structure on the subject property was unfit for human habitation and on November 30, 2011, issued a Compliance Order in accordance with Coon Rapids Revised City Code – 1982, Section 12-315, Subsection 2, Compliance Order.
 - 9. On December 5, 2011, Mr. Nellis appealed the Compliance Order to the Board of Adjustment and Appeals.
 - 10. On February 2, 2012, upon consideration of the matter, the Board of Adjustment and Appeals upheld the Compliance Order in its entirety on a 4 to 0 vote.
 - 11. On February 6, 2012, Mr. Nellis filed an appeal of the decision of the Board of Adjustment and Appeals in this matter to the City Council.

Adopted by the Coon Rapids City Council on a ____ to ____ vote this 6th day of March 2012.

Tim Howe,
Mayor

ATTEST:

Cathy Sorensen,
City Clerk



City Council Regular

5.

Meeting Date: 03/06/2012

Subject: Authorize Budget, Approve Plans and Specifications and Order Advertisement for Bids, Project 11-28, New City Hall Vehicle Storage Building

Submitted For: Steve Gatlin, Public Services Director

From: Cher Ridout, Admin Secretary II

INTRODUCTION

On December 6, 2011, Council approved the preliminary design for the proposed vehicle storage building and authorized the architect to proceed to complete the final design plans and construction specifications for the project. The project architect, Kodet Architects, has completed final plans and specifications for the building project. Consideration for approval of the plans and specifications, budget and authorization to place the advertisement for bids is requested at this time.

DISCUSSION

On December 6, 2011, Council discussed design alternatives for the new vehicle storage building. At that time, Council elected an alternative for the building design based on required space needs to meet current requirements. This design provides for a building of approximately 20,334 SF and parking for 54 vehicles. In addition, storage space is provided for police and fire needs. A small wash bay and mechanical room with an air compressor was included in the project design.

This vehicle storage facility will provide covered storage for police, fire, engineering, assessing and inspection vehicles currently parked outdoors. The facility will increase operational efficiency and protect the vehicles from the weather. Included for Council review is a proposed site plan showing the building layout, renderings showing the proposed building exterior appearance and an interior floor plan showing the proposed layout. The building is proposed to be located along the existing southeast corner of the current parking lot. One row of parking spaces will be eliminated and the building will be located on this portion of the site as shown.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Excellence in Government** section of the City's long term strategic vision by increasing operational efficiency. The project will provide a heated garage facility to store the vehicle fleet and will reduce down time from having to warm up vehicles and remove snow in the winter. The facility will also protect vehicles from potential theft and vandalism.

RECOMMENDATION

Staff recommends adoption of Resolution No. 11-28(8) Authorizing the Budget, Approving Plans and Specifications and Ordering Advertisement for Bids for the Vehicle Storage Building.

Fiscal Impact

BUDGET IMPACT:

On December 6, 2011, Council established a budget of \$2,100,000 for the project and it was determined that funding would come from a combination of the Facility Construction Fund and closed bond funds.

The following is a summary of the project budget based on the completed construction plan.

Construction Cost	\$1,987,006
Construction Contingencies	\$ 99,350
Add Alternates (Extra parking and heating upgrades)	\$ 36,304
Design Fees	\$ 90,250
Testing	\$ 15,250
TOTAL	\$2,228,160

This total is approximately \$128,160 higher than the budget approved on December 6, 2011. The higher amount is due to the slightly larger building and the inclusion of additional storage facilities in the building. Staff recommends a revised budget be established for the project of \$2,230,000. Funding would be provided as follows:

Facilities Construction Fund	\$1,500,000
Closed Bond Funds	\$ 730,000

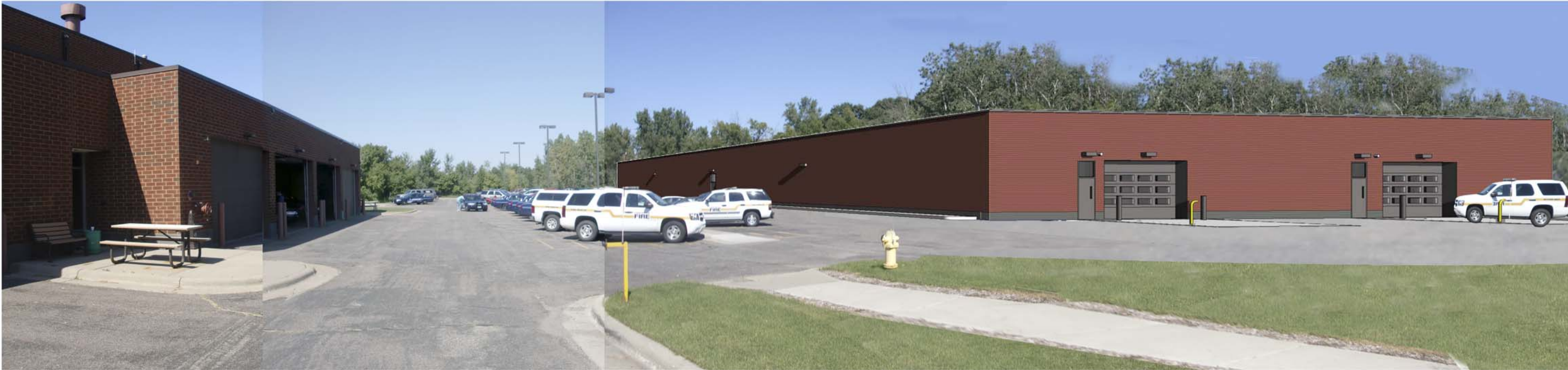
Attachments

11-28 Drawing

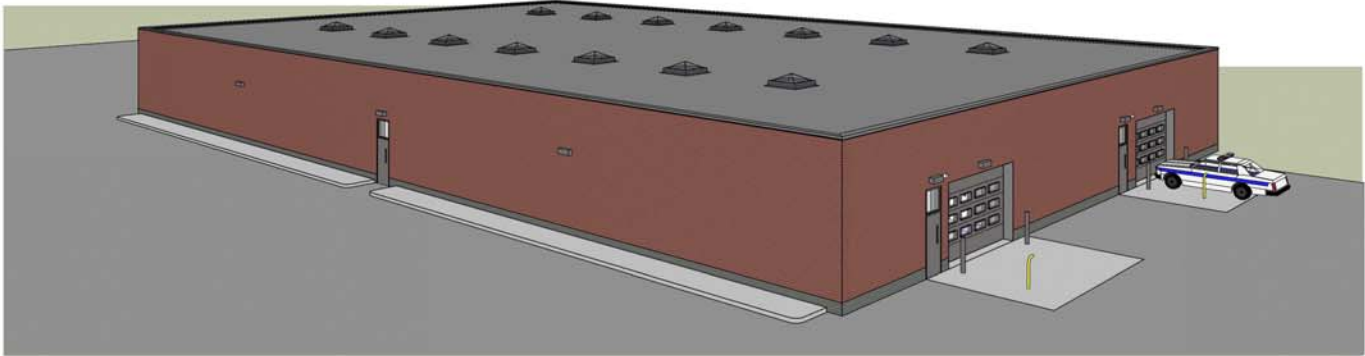
11-28 Site Plan

11-28 Floor Plan

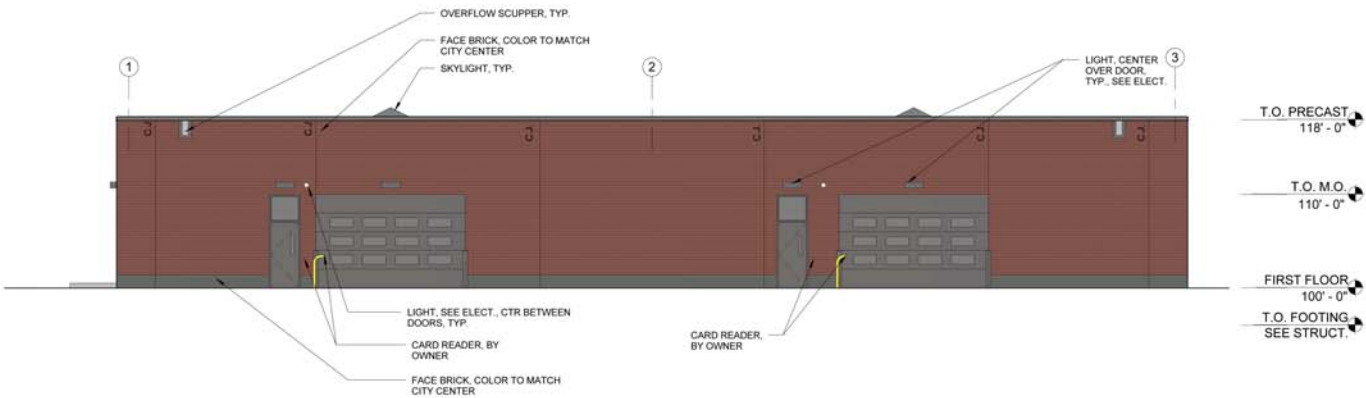
Resolution No. 11-28(8)



Perspective



Bird's Eye Perspective



Elevation

City of Coon Rapids Vehicle Storage Facility

Kodet Architectural Group Ltd.

15 Groveland Terrace • Minneapolis, MN 55403-1154
E-Mail arch@kodet.com • WebSite www.kodet.com
Telephone 612.377.2737 • Facsimile 612.377.1331

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March 1, 2012

1

2

3

4

5

General Notes

1. PROVIDE IRRIGATION SYSTEM FOR PLANTING BEDS AND SOD AREAS - SEE LANDSCAPE PLAN.
2. COORDINATE LOCATION OF LOOP DETECTORS ON BOTH SIDES OF VEHICLE DOORS WITH ELECTRICAL CONTRACTOR. SAW-CUTTING OF CONCRETE FOR INSTALLATION IS NOT ALLOWED.
3. SLOPE ALL CONCRETE STOOPS, APRONS, AND PADS AWAY FROM BUILDING.
4. SEE CIVIL FOR DETAILS OF JOINTS IN CONC. PAVING, CONC. CURBS, CURB CUTS & CONC. APRONS.
5. SEE CIVIL FOR UTILITY PLAN.

Material Keying Legend

03 3000.B3	6" Concrete Slab
32 1216.A1	Asphalt Paving
32 1216.C1	Pavement Marking Paint
32 1313.A2	Concrete Sidewalk

Key



EXISTING TO REMAIN

PLANT SCHEDULE

SYMBOL (N.T.S.)	KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	METHOD	REMARKS
	WJ	7	WICHITA BLUE JUNIPER	JUNIPERUS SCOPULORUM	5" TALL MIN.	B&B	

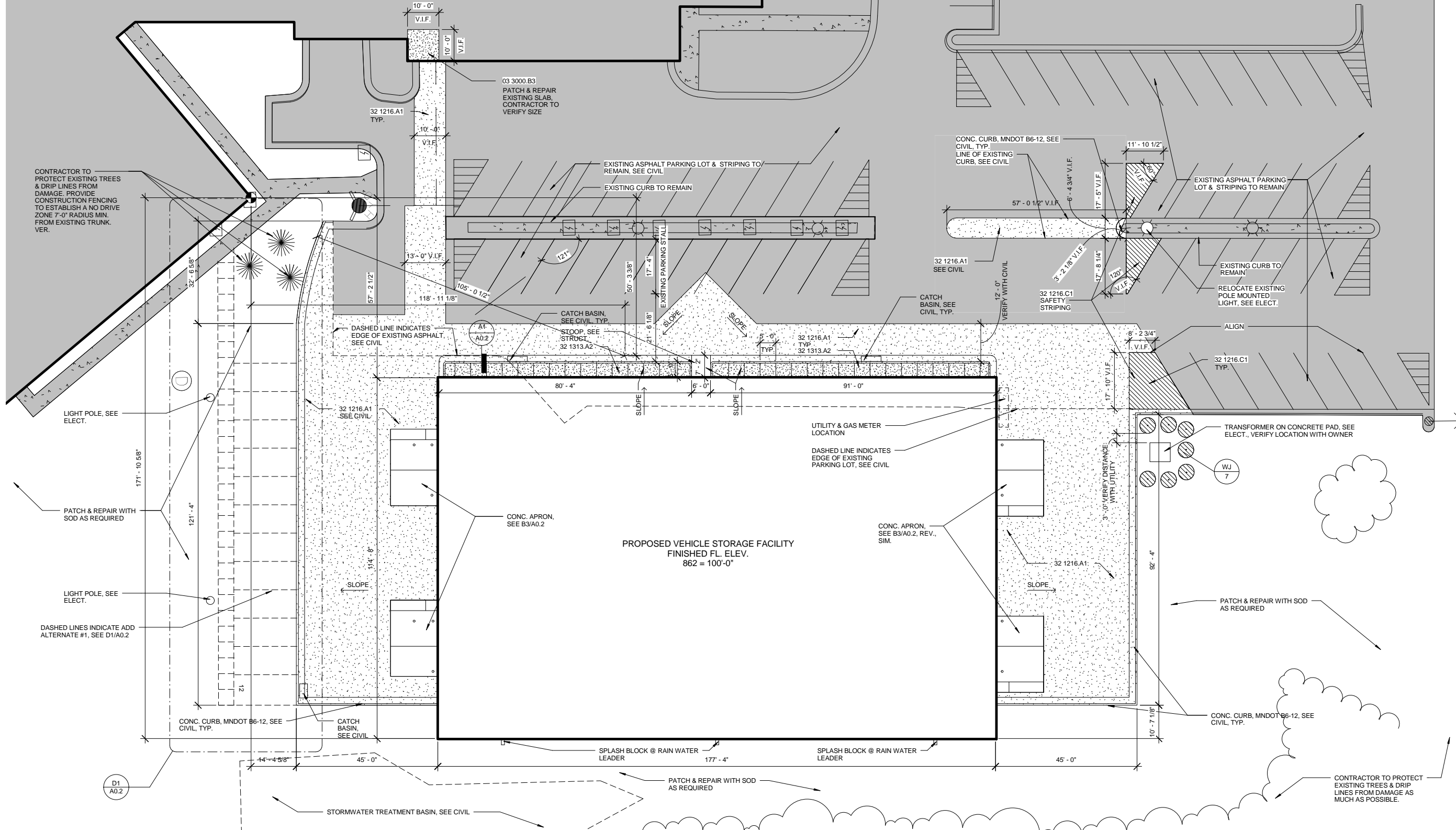
A

B

C

D

EXISTING CITY CENTER



D1
A0.1

SITE PLAN
1/16" = 1'-0"

NOT FOR CONSTRUCTION
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Kodet Architectural Group Ltd.

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E-Mail arch@kodet.com • Website www.kodet.com
Telephone 612.377.2737 • Facsimile 612.377.1331

City of Coon Rapids Vehicle Storage Facility

11155 Robinson Drive
Coon Rapids, MN 55433



Date: March 1, 2012

Project No.: 86611

Drawn By: hln

Checked By: ek

Revisions:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer in the State of Minnesota.

Architect Edward J. Kodet, Jr., P.E.

License Number: 10586

DTG&K Architectural Group, Ltd.

Visual contact with these drawings or specifications shall constitute evidence of these instructions.

3/1/2012 8:38:45 AM

RESOLUTION NO. 11-28(8)

**(8) RESOLUTION AUTHORIZING THE BUDGET,
APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, Kodet Architects has prepared plans and specifications for the improvement of City Hall by construction of a vehicle storage building and has presented such plans and specifications to the Council for approval; and

WHEREAS, the cost of the building is estimated to be \$2,230,000; and

WHEREAS, funding is anticipated from the Facility Construction Fund supplemented with closed bond funds; and

WHEREAS, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

WHEREAS, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

NOW THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota:

1. To authorize a budget amendment in the amount of \$2,230,000 in the Facility Construction Fund for the construction of the vehicle storage building.
2. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
3. The City Clerk shall prepare and cause to be inserted in the official paper and in a trade journal, if applicable, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the Clerk until 10:00 a.m. on the 5th day of April, 2012, at which time they will be publicly opened in the City Hall by the City Clerk and engineer, will then be tabulated, and will be considered by the Council at 7:00 p.m. on the 17th day of April, 2012, in the Council Chambers, and that no bids will be considered unless sealed and filed with the Clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the Clerk for 5% of the amount of such bid.

Adopted this 6th day of March, 2012.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

6.

Meeting Date: 03/06/2012

Subject: Approve Plans and Order Ad for Bids--Project 12-13 Bituminous Street Patching Repairs

From: Doug Vierzba, City Engineer

INTRODUCTION

Each year the City contracts for repair of streets throughout the City, primarily in the seal coat areas and watermain break areas. The City Engineering Division has prepared plans and specs for bituminous street patching including a mill/overlay on Coon Rapids Boulevard Extension. Council is requested to approve plans and order ad for bids at this time.

DISCUSSION

There are various types of repair work needed throughout the City each year consisting of concrete repair, bituminous street surfacing repair, and turf repair. In recent years, the City has advertised for bids for several repair contracts. This year, the City is proposing to get quotes for the smaller contracts for concrete and turf repair work and only bid out the large bituminous patching project. Large patching repairs include patching needed, primarily due to watermain breaks. This year's contract is proposed to include milling and overlay of the street surface on Coon Rapids Boulevard Extension, located off Coon Rapids Boulevard and near 99th Avenue. This street was built as a rural section over poor soils (without concrete curb in most portions of the road) and has a concrete surface under the bituminous surfacing. It is not practical to rebuild the street with concrete curb and gutter. Therefore, this road has been overlaid with bituminous surfacing in the past and is due for another mill/overlay.

A contract award is being scheduled for April 17th with work expected to begin by early-May depending on the contractor's schedule.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Transportation** section of the 2030 Strategic Vision in the following way:

This project will provide for patching of streets that have been disturbed for City utility repair and will provide a new surface on Coon Rapids Boulevard Extension.

RECOMMENDATION

It is recommended that Council adopt Resolution No. 12-13(8) approving plans and ordering ad for bids.

Fiscal Impact

BUDGET IMPACT:

Funding for this work would come from various budget activities. Patching for watermain break repairs would be paid from the Water Utility fund. Patching for storm drain repairs would come from the Storm Water Utility fund. The mill/overlay work, estimated to cost \$150,000, would be paid from State Aid funds.

Attachments

Resolution No. 12-13(8)

RESOLUTION NO. 12-13(8)

**(8) RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, the City Engineering Division has prepared plans and specifications for the improvement of the City's street system by bituminous patching of areas larger than 20 square yards and has presented such plans and specifications to the Council for approval; and

WHEREAS, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

WHEREAS, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

NOW THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in a trade journal, if applicable, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the Clerk until 10:00 a.m. on the 30th day of March, 2012, at which time they will be publicly opened in the City Hall by the City Clerk and engineer, will then be tabulated, and will be considered by the Council at 7:00 p.m. on the 17th day of April, 2012, in the Council Chambers, and that no bids will be considered unless sealed and filed with the Clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the Clerk for 5% of the amount of such bid.

Adopted this 6th day of March, 2012.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

7.

Meeting Date: 03/06/2012

Subject: Consider Resolution 12-44, Approving Submission of Transit-Oriented Development Grant Applications

From: Matt Brown, Community Development Specialist

INTRODUCTION

The Council is asked to consider a resolution approving the submission of Transit-Oriented Development (TOD) grant applications to the Metropolitan Council for planning and infrastructure projects at the Riverdale and Foley Boulevard transit stations.

DISCUSSION

The Metropolitan Council's Livable Communities Act (LCA) Transit Oriented Development (TOD) program is a new funding resource intended to help catalyze Transit Oriented Development in and around light rail transit, commuter rail, and high-frequency bus transit stations. The Met Council is currently considering its first round of funding applications for the program. The categories of funding include Pre-Development Grants and Development Grants. Pre-Development Grants are intended for applicants who are defining their project through such activities as design workshops, preparing redevelopment, corridor or station area plans, developing zoning and land use implementation tools such as overlay zones or zoning districts, or determining strategies for land banking and land acquisition. Development Grants are intended for applicants that are ready to acquire sites and/or conduct site preparation activities or begin development or redevelopment and are ready to build the infrastructure necessary to support it. City Staff intends to submit two applications: one for a \$230,000 Development Grant to acquire property and construct a trail on the south side of the railroad tracks at Riverdale Station and one for a \$40,000 Pre-Development Grant to develop a land use plan for an area near the Foley Boulevard Park and Ride. Met Council staff has reviewed the City's preliminary applications and has determined that they are eligible for further consideration. Project details are as follows:

Riverdale Station South Trail Access

This proposed project involves providing pedestrian/bicycle access to Riverdale Station from the south, which will significantly expand access to the station. The proposed project includes construction of a 10-foot wide trail, acquisition of one single-family property to provide access to 121st Avenue near Wedgewood Drive, construction of a 6-foot high chain-link fence, removal of a portion of a concrete wall at the station platform, and construction of a culvert under a portion of the trail. It is currently not possible for pedestrians and bicyclists to access the Station from the south side of the railroad tracks, despite the presence of a pedestrian overpass. This limits access to neighborhoods on the north side of the tracks. The proposed project will significantly expand the service area of Riverdale Station by connecting it to residential areas and employment centers to the south. It will also encourage commuters to access the station on foot or by bicycle. Estimated project costs include: acquiring a single-family property (the exact house to be acquired has not yet been determined) (\$200,000), demolishing the structure (\$15,000), removing the existing concrete wall (\$700), removing the existing fence (\$1,000), constructing a new 6-foot fence (\$3,300), grading for trail/culvert (\$700), gravel base (\$1,875), bituminous trail surface (\$4,800), topsoil (\$1,400). Grant funds would cover all costs associated with the project, except for relocation, which is estimated to cost about \$20,000. HRA funds could cover this cost.

Foley Boulevard Station Area Planning

This project involves pre-development planning activities for the Foley Boulevard TOD Area, including land use planning, market analysis, pedestrian/bicycle infrastructure planning, future street planning, and creating a land acquisition and development staging plan. At present, the Foley Boulevard Station Area is generally an automobile-oriented environment with poor pedestrian connections, obsolete land uses, and low-density development. The City's Comprehensive Plan identifies the area as a potential TOD site and major employment district within the City. Both the City and Anoka County have begun land banking in the area. Upon completion of the TOD Project, it is envisioned that the TOD Area will be redeveloped as a transit-supportive employment district with multi-modal connections to the neighboring Evergreen Industrial Area and Northtown Mall employment centers. The TOD Project will also establish non-motorized connections to residential areas surrounding the TOD Area, including major redevelopment sites for high-density residential development. Project costs include: conducting design workshops for development alternatives (\$5,000), preparing station area/redevelopment plan (\$10,000), developing zoning implementation tools (\$5,000), analyzing alternatives for market/economic feasibility (\$10,000), creating a development staging plan (\$5,000), determining a strategy for land banking/acquisition (\$5,000). The grant requires a City match of 20%, or \$10,000, which could be covered by HRA funds.

If the City is awarded funds for one or both of these projects, pre-development activities must be completed within two years and development activities must be completed within three years. In order for the Met Council to fully consider the applications, the Council must adopt Resolution 12-44, which authorizes submission of applications for the two projects.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Community Development and Redevelopment** section of the 2030 Strategic Vision in the following way:

Promote orderly transit-supportive development near the City's transit stations.

RECOMMENDATION

Adopt Resolution 12-44, authorizing staff to submit on behalf of the City applications for Metropolitan Council Livable Communities TOD grant funds for the TOD Project components identified in the applications, and to execute such agreements as may be necessary to implement the TOD Projects on behalf of the City.

Fiscal Impact

BUDGET IMPACT:

The Riverdale Station project would require the City to cover relocation costs, which are estimated at \$20,000. The Foley Boulevard project would require the City to provide 20% matching funds, which amount to \$10,000. The HRA fund has sufficient funds to cover these costs if the City receives Met Council funding for one or both projects.

Attachments

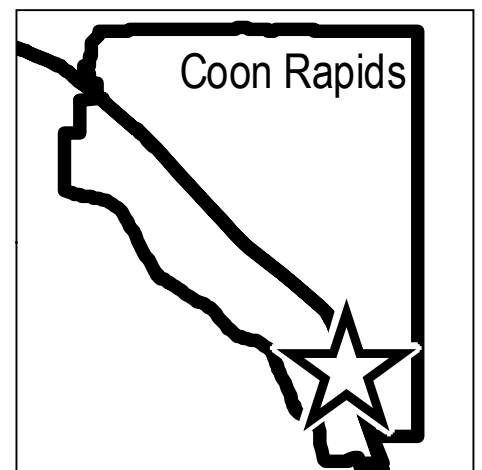
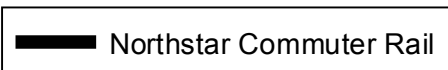
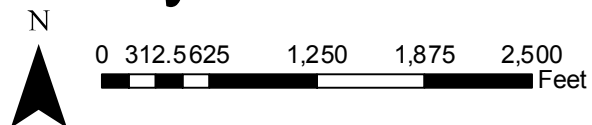
Foley Boulevard Map

Riverdale Station Map

Resolution

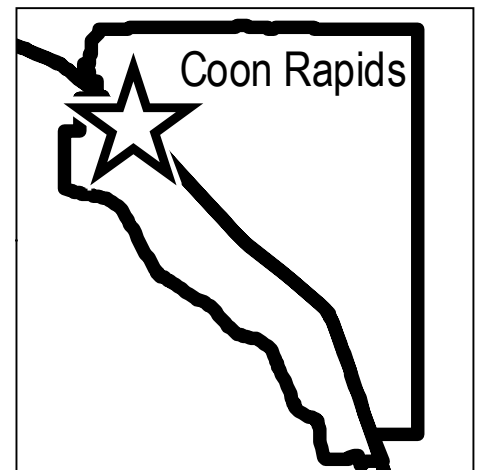
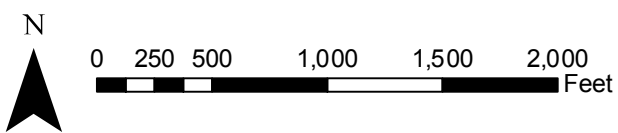


Foley Boulevard Aerial





Riverdale Station Aerial



RESOLUTION NO. 12-44

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES TRANSIT ORIENTED DEVELOPMENT FUNDING AND AUTHORIZING APPLICATIONS FOR GRANT FUNDS

WHEREAS, the City of Coon Rapids is a participant in the Metropolitan Livable Communities Act (“LCA”) Local Housing Incentives Program for 2012 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Tax Base Revitalization Account Transit Oriented Development (collectively, “TOD”) funds; and

WHEREAS, the City has identified proposed TOD Projects within the City that meet TOD purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council’s adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCA TOD grant; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges Livable Communities TOD grants are intended to fund projects or project components that can serve as models, examples or prototypes for TOD development or redevelopment elsewhere in the region, and therefore represents that the proposed TOD Projects or key components of the proposed TOD Projects can be replicated in other metropolitan-area communities; and

WHEREAS, only a limited amount of grant funding is available through the Metropolitan Council’s Livable Communities TOD initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible TOD Projects that would not occur without the availability of TOD grant funding; and

WHEREAS, cities may submit grant applications for up to three TOD Demonstration Account Projects and up to six TOD Tax Base Revitalization Account Projects during each funding cycle, but, using the city’s own internal ranking processes, must rank their TOD Projects by priority so the Metropolitan Council may consider those priority rankings as it reviews applications and makes grant awards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that, after appropriate examination and consideration, the governing body of the City:

1. Finds that it is in the best interests of the City’s development goals and priorities for the proposed TOD Projects to occur at the sites indicated in the grant applications at this particular time.
2. Finds that the TOD Project components for which Livable Communities TOD funding is sought:

- (a) will not occur solely through private or other public investment within the reasonably foreseeable future; and
 - (b) will occur within the term of the grant award (two years for Pre-Development grants, and three years for Development grants, one year for Cleanup Site Investigation grants and three years for Cleanup grants) only if Livable Communities TOD funding is made available for these TOD Projects at this time.
3. Ranks the TOD Project funding applications, according to the City's own internal priorities, in the following order: (List grant applications here; the total number of Development and Pre-Development grant applications from the City cannot exceed three and Tax Base Revitalization Account grant applications cannot exceed six. Funding requests for both TBRA and LCDA grant funds listed in the same application will be counted as separate applications for purposes of the limit of numbers of applications.)

Priority	TBRA TOD Project Names	Grant amount requested
1		
2		
3		
4		
5		
6		
	LCDATOD Project Names	Grant amount requested
1	Riverdale Station South Trail Access	\$230,000
2	Foley Boulevard Station Area Planning	\$40,000
3		

3. Authorizes its Community Development Specialist to submit on behalf of the City applications for Metropolitan Council Livable Communities TOD grant funds for the TOD Project components identified in the applications, and to execute such agreements as may be necessary to implement the TOD Projects on behalf of the City.

Adopted this 6th day of March, 2012.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

8.

Meeting Date: 03/06/2012

Subject: Security Cameras at West Water Treatment Plant

Submitted For: Sharon Legg, Finance Director

From: Stephanie Lincoln, Purchasing Clerk

INTRODUCTION

Staff is requesting authorization to appropriate funds and purchase security cameras at the west water treatment plant.

DISCUSSION

As part of security measures for the west treatment facility, security cameras should be installed. A quote in the amount of \$13,367.85 tax included, was obtained from General Security Services Corporation for the purchase and installation of six cameras that will be connected to the City's current network, allowing video footage to be viewed remotely. General Security Services Corporation has installed all of the other cameras at Public Works. To ensure compatibility with the existing security camera system, staff is recommending awarding this project to General Security Services Corporation.

ALIGNMENT WITH STRATEGIC VISION

This item relates to the **Public Safety** section of the 2030 Strategic Vision in that it secures the City's water supply.

RECOMMENDATION

Staff recommends:

- a. Adoption of Resolution 12-45 amending the 2012 Budget to appropriate \$13,400 from the water fund balance to capital outlay.
- b. Authorization to purchase the cameras at at a cost of \$13,367.85 tax included.

Fiscal Impact

BUDGET IMPACT:

The security system was not included in the 2012 Water Fund budget. Water usage chareges cover water related expenditures.

Attachments

RS 12-45

RESOLUTION NO. 12-45

RESOLUTION AMENDING THE 2012 WATER FUND BUDGET

WHEREAS, Section 1-700 of the City Charter provides for adoption of an annual budget and subsequent amendments; and

WHEREAS, Capital outlay purchases must specifically be identified per the City Code 2-803; and

WHEREAS, the 2012 budget does not specifically include funds for security cameras at the west water treatment facility; and

WHEREAS, the cost to complete the purchase and installation of security cameras at the west water treatment facility is estimated to be \$13,367.85; and

WHEREAS, funds are available in the water fund balance to allocate to this purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota to allocate \$13,400 to capital outlay from the water fund balance for the purchase and installation of security cameras at the west water treatment facility.

Adopted this 6th day of March, 2012.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk